

Transcript of Alex Jones, Corporate Designee

Date: December 19, 2018

Case: Furie -v- Infowars, LLC, et al.

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                   UNITED STATES DISTRICT COURT
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             FOR THE CENTRAL DISTRICT OF CALIFORNIA
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     MATT FURIE,
                Plaintiff,
6
                                  ) 2:18-cv-01830-MWF-JPR
     vs.
     INFOWARS, LLC; FREE SPEECH )
7
     SYSTEMS, LLC,
                Defendants.
8
10
11
             Videotaped Deposition of Infowars, LLC
12
             By and through its Corporate Designee
13
                           ALEX JONES
14
                  WEDNESDAY, DECEMBER 19, 2018
15
16
17
18
     Reported by:
19
     KIMBERLEE SCHROEDER, CSR, RPR, CCRR
20
     CA CSR No. 11414
21
     Job No.: 217820
22
23
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4	
5	BE IT REMEMBERED that on Wednesday,
6	December 19, 2018, commencing at the hour of
7	10:20 a.m., at 3019 Alvin Devane, Austin, Texas,
8	before me, KIMBERLEE SCHROEDER, a Certified Shorthand
9	Reporter in and for the State of California and the
10	State of Texas, duly authorized to administer oaths
11	pursuant to Section 30(c) of the Federal Rules of
12	Civil Procedure, personally appeared
13	ALEX JONES,
14	called as a witness herein by the Plaintiff, who,
15	having been duly sworn, was thereupon examined as
16	hereinafter set forth.
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24	
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1	P-R-O-C-E-E-D-I-N-G-S	
2	00	
3	VIDEOGRAPHER: This is the beginning of Media	10:20:56
4	No. 1 in the videotaped deposition of Alex Jones in	10:20:58
5	the matter of Furie vs. Infowars, LLC, et al. in the	10:21:02
6	United States District Court for the Central District	10:21:07
7	of California under the case	10:21:09
8	No. 2:18-cv-01830-MWF-JPR.	10:21:20
9	Today's date is December 19th, 2018. The	10:21:22
10	time on the video monitor is 10:21. The videographer	10:21:26
11	today is Leyhbert Sharp representing Planet Depos.	10:21:34
12	This videotaped deposition is taking place at	10:21:38
13	the 3019 Alvin Devane Boulevard, Austin, Texas 78741.	10:21:42
14	Will counsel please voice identify yourselves	10:21:48
15	and state whom you represent?	10:21:51
16	MR. TOMPROS: Louis Tompros, Will Kinder, and	10:21:53
17	Stephanie Lin from WilmerHale on behalf of plaintiff,	10:21:58
18	Matt Furie.	10:22:00
19	MR. RANDAZZA: Marc Randazza, Randazza Legal	10:22:01
20	Group, on behalf of the defense.	10:22:04
21	THE VIDEOGRAPHER: Okay.	10:22:07
22	ALEX JONES,	
23	after being first duly sworn, was examined and	
24	testified as follows:	
25	////	

1	EXAMINATION	
2	BY MR. TOMPROS:	
3	Q. Good morning, Mr. Jones.	10:22:17
4	A. Hey. How you doing?	10:22:18
5	Q. Would you please state and spell your full	10:22:20
6	name for the record, please?	10:22:22
7	A. Just Alexander Jones.	10:22:23
8	Q. And in what city and state do you reside?	10:22:25
9	A. I live in Austin, Texas.	10:22:29
10	Q. You have given testimony at depositions	10:22:31
11	before; right?	10:22:34
12	A. Yes.	10:22:35
13	Q. Have you ever given testimony at trial	10:22:38
14	before?	10:22:40
15	A. Yes.	10:22:41
16	Q. About how many times have you testified	10:22:42
17	between depositions and trials?	10:22:44
18	A. I couldn't answer that exactly right. I	10:22:45
19	think like I've been in three depositions, and I	10:22:59
20	think I've testified in court probably ten times.	10:23:01
21	Q. Okay. You understand	10:23:05
22	A. That's not an exact number.	10:23:08
23	Q. Understood.	10:23:09
24	And you understand you've taken an oath to	10:23:10
25	tell the truth today; right?	10:23:12

		1
1	A. Yes.	10:23:14
2	Q. Are you presently under the influence of any	10:23:14
3	alcohol, medication or drugs that would impair your	10:23:16
4	ability to testify truthfully here today?	10:23:19
5	A. No.	10:23:21
6	Q. Is there any other reason you cannot give	10:23:21
7	your best testimony here today?	10:23:23
8	A. No.	10:23:25
9	Q. I'm going to ask you questions. If there's	10:23:25
10	anything about any of my questions that you don't	10:23:27
11	understand, please let me know. Okay?	10:23:30
12	You have to give a verbal answer to	10:23:32
13	everything. Okay?	10:23:34
14	A. Yes.	10:23:35
15	Q. And if you do answer a question, I'm going to	10:23:35
16	assume that you understood it. Is that fair?	10:23:38
17	A. Say that again, please.	10:23:40
18	Q. If you answer a question, I'm going assume	10:23:41
19	that you understood the question. Is that fair?	10:23:46
20	A. Does that mean you said I need to answer	10:23:50
21	all the questions. I need to give a verbal answer.	10:23:53
22	But if I do answer, it means I understand them. I	10:23:56
23	don't think in all cases that will be the case.	10:23:59
24	Q. Fair enough.	10:24:02
25	If you don't understand a question, please	10:24:02
		1

1	let me know you don't understand. Okay?	10:24:04
2	A. Oh, sure. Absolutely.	10:24:04
3	Q. If you don't understand if you do answer	10:24:05
4	and you don't say anything about not understanding,	10:24:07
5	I'm going to assume you did understand what I was	10:24:10
6	asking. Okay?	10:24:12
7	A. Yes.	10:24:13
8	Q. Okay.	10:24:14
9	(Plaintiff's Exhibit No. 22 was marked for	10:24:14
10	identification.)	10:24:34
11	MR. TOMPROS: Q. Mr. Jones, the Court	10:24:34
12	Reporter has handed you what has been marked as	10:24:35
13	Exhibit No. 22. Just so you're not confused about	10:24:37
14	the numbering, we're continuing the numbers from	10:24:41
15	yesterday's deposition of Dr. Jones.	10:24:43
16	This is Exhibit No. 22. On the front page,	10:24:45
17	it says, Notice of 30(b)(6) deposition to then it	10:24:48
18	continues on the second page Defendant Infowars,	10:24:52
19	LLC.	10:24:56
20	Do you have that document in front of you?	10:24:56
21	A. Yes.	10:24:59
22	Q. Have you seen Exhibit 22 before?	10:24:59
23	A. No.	10:25:02
24	Q. Are you aware you've been identified as the	10:25:03
25	representative of Infowars, LLC, on certain topics?	10:25:07

		1
1	A. Yes.	10:25:12
2	Q. Do you know what those topics are in general?	10:25:12
3	A. Like a copyright dealing with the posters.	10:25:14
4	Q. I'll ask you to look at Exhibit 22, taking a	10:25:21
5	look at page 3. There's a section headed "Topics For	10:25:25
6	Testimony" and goes on to page 4.	10:25:33
7	A. Yes.	10:25:34
8	Q. Would you just take a look at those, and let	10:25:34
9	me know whether you're comfortable giving testimony	10:25:37
10	on behalf of Infowars, LLC, on each of those topics?	10:25:39
11	A. (Reviewing document.) Okay. Some of this	10:26:30
12	I'm not a lawyer. I don't quite understand. I can	10:27:07
13	tell you my relationship with Infowars. The domain	10:27:11
14	and website, I don't really I don't understand	10:27:13
15	that. The domain and website located, I'm not sure	10:27:16
16	what that means.	10:27:19
17	The poster, I understand that. I can answer	10:27:21
18	5. I can answer 1, I'm not 1, I don't understand	10:27:26
19	what that means completely. 2, I understand. 5, I	10:27:36
20	can answer.	10:27:41
21	Any work or product made or sold, I mean,	10:27:43
22	we've I don't understand that. You'll have to	10:27:52
23	walk me through these. Communications, I mean I	10:27:54
24	haven't had any, but I've looked into it. So I can	10:27:56
25	talk about 7.	10:28:00
		1

1	Revenues of Infowars, that's this is a	10:28:01
2	copyright case, not a corporate case or corporate	10:28:04
3	structure case. So, I mean, there's no reason to	10:28:08
4	answer that. Has nothing to do with it.	10:28:09
5	Any profits made from sales of the poster,	10:28:11
6	we'll give those to you. That's reasonable. That's	10:28:13
7	what we we have it all in the computer. I think	10:28:16
8	you've been given that.	10:28:19
9	To raise the price, I remember that. I I	10:28:19
10	can talk about that. The decision to stop selling	10:28:24
11	the poster, I can talk about that.	10:28:26
12	Again, I haven't spent ten minutes on this.	10:28:30
13	These are all very quick decisions. I don't know	10:28:35
14	about I don't even know if we did destroy them or	10:28:38
15	what's going on with them. I'd have to call the	10:28:42
16	warehouse. I can do that, if you like, if you think	10:28:44
17	that's reasonable.	10:28:44
18	Any licensing, assignment transfer,	10:28:48
19	conveyance of any rights to the poster, I can speak	10:28:48
20	to that. That's a no one wants it. It's	10:28:49
21	worthless.	10:28:55
22	Your knowledge and awareness of Pepe the	10:28:55
23	Frog, I can speak of that.	10:28:59
24	Your knowledge and awareness of plaintiff	10:29:01
25	Matt Furie, I've seen some of that in the news.	10:29:02

1	"Affirmative defenses and defenses listed in	10:29:05
2	your answer," I mean, I talk to lawyers about what we	10:29:10
3	put in our answer, the truth. I have not really read	10:29:13
4	any of it since we did it, I mean.	10:29:15
5	"The basis for any statements made in your	10:29:17
6	answer," "The basis for any statements made in	10:29:19
7	your answer," I think I might be able to. I don't	10:29:24
8	know if I can answer that. Again, this is all legal	10:29:28
9	stuff.	10:29:30
10	"Any communications regarding topics in No. 1	10:29:30
11	through 17," I guess I can talk about that. "All	10:29:32
12	documents," I mean, I can't really think of many	10:29:41
13	documents other than since this case started. I	10:29:45
14	think that's whatever there is, we can talk about	10:29:48
15	it.	10:29:48
16	I mean, that's the best I can say.	10:29:50
17	Q. Thank you.	10:29:53
18	What did you do to prepare for today's	10:29:54
19	deposition?	10:29:56
20	A. Really nothing.	10:29:56
21	Q. You have heard of Pepe the Frog; right?	10:30:01
22	A. Yes.	10:30:03
23	Q. What do you understand Pepe the Frog to be?	10:30:03
24	A. Now or when I first heard about it?	10:30:06
25	Q. Let's take both.	10:30:12

1	Let me ask you this first: When did you	10:30:13
2	first hear of Pepe the Frog?	10:30:16
3	A. Probably like 2015 or something, and I was	10:30:19
4	like, "What is this stupid frog, and why do you	10:30:24
5	people like put it up like it's funny?" Because I	10:30:27
6	get most memes, but I just didn't understand it. I'm	10:30:30
7	not a big 4chan or Reddit guy, the Donald Reddit	10:30:34
8	stuff. But I had heard about it, and I had seen	10:30:40
9	articles about it. I read voracious amounts of news.	10:30:42
10	So 2014 or 2015, I can't remember exactly.	10:30:46
11	Just in passing, I remember hearing about it, that it	10:30:49
12	was some I remember seeing a Daily Dot article	10:30:53
13	where Furie said, "This is free to use, everybody	10:30:55
14	free to air. Pepe belongs to everybody."	10:30:59
15	But that I remember reading that years ago	10:31:02
16	once I last year, I was doing more research on it	10:31:05
17	and went and looked at it again because I was hearing	10:31:11
18	about the controversy with Furie saying all these bad	10:31:12
19	people were using it. So I kind of went back and	10:31:16
20	looked back into it. But I didn't really spend a lot	10:31:19
21	of time on it, quite frankly.	10:31:22
22	I think I even called it stupid frog before	10:31:25
23	that. And then it became kind of a big joke when	10:31:28
24	Hillary was like mad at it and saying it was the	10:31:33
25	white supremacists, and I made jokes about that.	10:31:38
		I

1	And then Pepe the Frog kind of just snuck in	10:31:38
2	under the radar because somebody in purchasing got	10:31:41
3	from what I've heard, offered, "Hey, you want to	10:31:44
4	carry this original poster we made?" And somebody	10:31:46
5	showed it to me, and I said, "It's okay, but we all	10:31:49
6	look like we're stoned." I said, "This looks kind	10:31:50
7	of" they all, "Oh, it will be really popular.	10:31:52
8	We'll sell it," and it wasn't popular.	10:31:55
9	So I'm just doing this because I want to	10:31:57
10	stand up for the First Amendment. You can't be	10:32:01
11	shaken down for no reason. Obviously, when something	10:32:01
12	is fair to use, a bunch of images from the campaign,	10:32:04
13	it would be like payment to the Statue of Liberty or	10:32:08
14	something when we're talking about liberty.	10:32:10
15	Q. So back up.	10:32:12
16	You first heard of Pepe the Frog you think in	10:32:15
17	the 2015 timeframe?	10:32:18
18	A. Yeah. I mean, that's when it first I was	10:32:19
19	like, "What is this frog in memes?" People say, "Oh,	10:32:22
20	it's just a funny thing. The liberals don't like	10:32:25
21	it." I just didn't get it.	10:32:29
22	Q. What did you understand Pepe the Frog to be	10:32:30
23	at that time, 2015?	10:32:34
24	A. I looked into it, briefly, just because I	10:32:35
25	kept seeing it popping up, and I read articles with	10:32:37
		I

1	Mr. Furie saying, "This" "Pepe belongs to	10:32:41
2	everybody, and he's free to air," basically. And	10:32:45
3	that's why I had that in the back of my mind when	10:32:50
4	later we got pitched the poster, because, I mean, I	10:32:53
5	have some basic understanding of selling something,	10:32:57
6	sometimes can have issues.	10:33:01
7	And then I just for my own commonsense, "Oh,	10:33:03
8	Matt Furie said everybody can use this." Plus, this	10:33:07
9	is a composite. It's not even 10 percent of the	10:33:09
10	image. It's of public figures, including myself,	10:33:12
11	which is the real reason we carried it, seeing if it	10:33:14
12	would be popular.	10:33:20
13	Q. What do you understand Pepe the Frog to mean	10:33:21
14	excuse me. What do you understand Pepe the Frog	10:33:25
15	to be now?	10:33:28
16	A. Now, it's a symbol of free speech. It's a	10:33:28
17	symbol of how different people can try to brand	10:33:39
18	things different ways and how when an image becomes	10:33:42
19	part of the kind of like an emoji or the modern	10:33:45
20	Sanskrit or hieroglyph, that there's now a movement	10:33:53
21	to try to then control and own symbols that have	10:33:56
22	entered in the public domain and public use.	10:34:00
23	So it's become a free-speech focal point and	10:34:03
24	become a kind of a tug-of-war battle with the	10:34:08
25	corporate fascists, that pose as the Left, projecting	10:34:14

1	onto anyone that ever used the frog or even had the	10:34:24
2	frog on their message board as a white supremacist.	10:34:26
3	So it's become a symbol of the corporate left	10:34:29
4	projects to say that it's a white supremacist, when	10:34:29
5	it's obviously not. I mean, it's been used by	10:34:34
6	everybody: Buddhists, Christians, Muslims, white	10:34:36
7	supremacists, black supremacists, any of those	10:34:39
8	groups. It's become a symbol.	10:34:39
9	When Hillary said it was racist, it became a	10:34:42
10	big joke, even bigger then. And then people make	10:34:44
11	sort of joking even more because most people who were	10:34:46
12	using it weren't racist and thought that was	10:34:49
13	ridiculous. So it became it went from a curiosity	10:34:52
14	to a big political fight.	10:34:54
15	And so now I see it as basically a tombstone	10:34:56
16	of free speech and fair use in the Western world, if	10:35:08
17	this new law that overturns public domain images can	10:35:10
18	be basically run through the courts via litigation.	10:35:17
19	So I see it for what it is, from the perspective of	10:35:24
20	the corporate fascists.	10:35:28
21	Q. There's a set of exhibits in front of you	10:35:30
22	that those are the ones that we marked at	10:35:32
23	yesterday's deposition of Dr. David Jones.	10:35:34
24	Would you just take a look at Exhibit No. 4	10:35:38
25	in that pile?	10:35:41

1	A. Okay,	10:35:41
2	(Plaintiff's Exhibit No. 4 was previously	10:35:41
3	marked for identification.)	10:35:41
4	MR. TOMPROS: Q. And what is Exhibit No. 4?	10:35:48
5	A. (Reviewing document.) Looks like a frog, one	10:35:54
6	of the renditions of Pepe the Frog.	10:35:56
7	Q. How do you know that that is one of the	10:35:59
8	renditions of Pepe the Frog?	10:36:01
9	A. It has classic characteristics that you	10:36:02
10	generally see in it.	10:36:05
11	Q. And what are those characteristics?	10:36:06
12	A. I mean, looks like a green frog. It can be	10:36:09
13	Kermit the Frog, too, but we're here talking about	10:36:12
14	Pepe specifically. So I would specifically take it	10:36:15
15	as being Pepe.	10:36:17
16	You do mean this to be Pepe; right?	10:36:17
17	Q. Well, I'm asking you. I think you're going	10:36:20
18		10:36:22
19	A. This could be I mean, this could be Pepe	10:36:22
20	the Toad from Argentina. This could be a lot of	10:36:24
21	different frogs. But, I mean, I think the most	10:36:28
22	popular frog, it looks somewhat like this, some of	10:36:32
23	the renditions, as Pepe.	10:36:36
24	Q. So this is cartoon frog; right?	10:36:37
25	A. Yes. It's a cartoon frog.	10:36:40

1	Q.	It has round lips; right?	10:36:42
2	А.	I wouldn't call them round lips.	10:36:46
3	Q.	Okay.	10:36:48
4	А.	More tubular.	10:36:49
5	Q.	Tubular lips?	10:36:50
6	А.	Looks more like an earthworm.	10:36:52
7	Q.	Fair enough.	10:36:54
8		And the lips are, what would you say, reddish	10:36:56
9	brown?		10:36:59
10	А.	Looks like a brick red.	10:36:59
11	Q.	And it has bulging eyes; right?	10:37:01
12	А.	Yes, like frogs do.	10:37:07
13	Q.	And it has white dots in the pupils?	10:37:08
14	А.	Yes.	10:37:11
15	Q.	And puffy eyelids; right?	10:37:11
16	А.	It looks like it's got some creases in its	10:37:13
17	forehea	d. Actually looks like a butt.	10:37:16
18	Q.	And it has a human body; right?	10:37:19
19	А.	You could say it looks bipedal.	10:37:21
20	Q.	And do you know who made that drawing shown	10:37:26
21	in Exhi	bit 5?	10:37:29
22	А.	I don't Exhibit 4?	10:37:30
23	Q.	Excuse me. Thank you. Exhibit 4.	10:37:32
24	А.	I don't know.	10:37:34
25	Q.	Do you have any reason to think that Matt	10:37:35

1	Furie did not make that drawing in Exhibit 4?	10:37:39
2	A. I don't know. I mean, that's the thing is,	10:37:42
3	what I've seen in the news, Matt Furie takes people	10:37:43
4	putting green heads on things, basically says	10:37:46
5	anything with a green head. According to what I've	10:37:49
6	said seen him say, reversing what he previously said	10:37:52
7	that everybody can use it, like martians coming off	10:37:53
8	1950s movies, martians coming off kind of look like	10:37:56
9	Pepe. So maybe they need to be sued, you know.	10:38:00
10	Q. So when you say you heard that Matt Furie	10:38:03
11	said that everybody can use it, what are you	10:38:05
12	referring to?	10:38:07
13	A. Oh, I mean, I since I remember the Daily	10:38:08
14	Dot article back in 2015, but I remember him all over	10:38:12
15	the place popularizing it saying, "Use it. Use it.	10:38:15
16	I want you to use it. He belongs to everybody. It's	10:38:18
17	yours."	10:38:21
18	Just the classic, you know, inferred	10:38:21
19	licensing when someone says "use this," "use this,"	10:38:25
20	kind of like what we saw with Getty Images, where for	10:38:30
21	years they would say, "Here's a website. It's free.	10:38:33
22	Use our images." And then there's some fine print	10:38:35
23	there. But Furie didn't put the fine print. He just	10:38:39
24	said, "Use it. Use it. I want everybody to use	10:38:42
25	this. It belongs to you."	10:38:44

1	And then a few years later, he suddenly said	10:38:45
2	the opposite.	10:38:48
3	Q. And when did you when did he say the	10:38:49
4	opposite?	10:38:51
5	A. I don't remember the exact dates. Again, I	10:38:52
6	wasn't completely following it, and I made about I	10:38:56
7	mean, I, I don't remember when we started selling it.	10:38:58
8	It was right after the election was over. I would	10:39:03
9	guess early 2017.	10:39:05
10	And we don't sell a lot of art. Sometimes	10:39:08
11	fans send it in. Sometimes it's popular; sometimes	10:39:12
12	it's not. We probably sold, I don't know, ten pieces	10:39:15
13	of art over the years. Probably not even that. I	10:39:19
14	mean, different works.	10:39:19
15	I, quite frankly, did not even think about	10:39:20
16	"the frog" when I was looking at the poster with a	10:39:24
17	whole bunch of different images on it. I don't know	10:39:28
18	how many images it's got. It's got one, two, three,	10:39:30
19	four, five, six, seven, eight, nine, ten, eleven,	10:39:30
20	twelve, thirteen, fourteen, fifteen, sixteen,	10:39:30
21	seventeen, eighteen images I can see. It's one of	10:39:37
22	18. It's maybe 3 percent of the image.	10:39:40
23	And just knowing what I do from fair use, and	10:39:44
24	you know, the legal clinics and things we were	10:39:47
25	briefed on going back years ago, I never even	10:39:50

1	registered that someone would make a claim on	10:39:53
2	something like that, where something is a tiny part	10:39:55
3	of the image, it's obviously in a public domain, it	10:39:58
4	was part of the campaign, it was part of the battle,	10:40:00
5	so it was not even my intent to, you know, at that	10:40:02
6	point, like it was some free speech thing statement.	10:40:06
7	It was just like, "Okay, it's an interesting poster.	10:40:09
8	Do I like it? Do I not like it? It's kinda not	10:40:12
9	something I would hang on my wall. Maybe my	10:40:14
10	listeners will like it."	10:40:15
11	And compared to most of our products, things	10:40:17
12	we sell, it was a bomb.	10:40:18
13	Q. And just to be clear for the record, you're	10:40:19
14	referring to Exhibit 5?	10:40:21
15	A. Exhibit 5, yeah.	10:40:22
16	Q. What's the Daily Dot?	10:40:23
17	A. It's a news site that covers tech news and	10:40:29
18	things like that.	10:40:32
19	Q. When did you begin reading the Daily Dot?	10:40:33
20	A. I mean, I read I look at probably	10:40:36
21	500 pieces of news a day online, conservatively. I	10:40:41
22	scan over things. I can't remember. I just know	10:40:45
23	I've been reading it obviously since it's been	10:40:48
24	popular.	10:40:51
25	Q. And you mentioned a Daily Dot article	10:40:51

1	discussing Matt Furie from the 2015 timeframe?	10:40:56
2	A. M-hm.	10:40:59
3	Q. What other Daily Dot articles do you remember	10:40:59
4	from the 2015 timeframe?	10:41:03
5	A. There have been some about just news, about	10:41:05
6	computers, about politics. It's a popular site. I	10:41:09
7	routinely see it. I've gone and refreshed my memory	10:41:13
8	on the things I remember Furie saying and confirmed	10:41:17
9	my memory. So I'm refreshed on the frog issue.	10:41:21
10	Q. When did you first hear of Matt Furie?	10:41:25
11	A. Again, I remember '14, '15, sometime going,	10:41:28
12	"What's this frog all over things," on news articles	10:41:37
13	and memes I would see. I would just see a meme	10:41:41
14	sometimes with my cellphone, and there would be a	10:41:45
15	green frog. And I, quite frankly, thought it was	10:41:48
16	stupid.	10:41:51
17	And, like I said, Hillary said it was a white	10:41:52
18	supremacist thing. White supremacists put Bugs Bunny	10:41:56
19	on a storefront and now Bugs Bunny is a white	10:42:00
20	supremacist. It's just ridiculous. The media kind	10:42:05
21	of turned Pepe into a white supremacist by saying,	10:42:08
22	oh, all the white supremacists are using it. That's	10:42:11
23	when I first heard that was mainstream media saying	10:42:13
24	that the white supremacists were using it.	10:42:16
25	It was mainly like a joke. It was from	10:42:18

1	what I saw, I didn't never really hear about the	10:42:21
2	white supremacist stuff until Hillary Clinton said	10:42:23
3	something about it. Because Republicans are using	10:42:29
4	it, and so you just say the white supremacists have	10:42:33
5	stolen it, and that way, all Republicans are white	10:42:36
6	supremacists. It's that same mantra.	10:42:40
7	Q. Is it correct that when you first heard of	10:42:42
8	Pepe the Frog, you heard about Pepe the Frog in	10:42:46
9	connection with allegations about white supremacists	10:42:48
10	using it?	10:42:51
11	A. No, no. No. I first looked up Pepe the Frog	10:42:52
12	before I knew what it was being called or what one	10:42:57
13	person was calling it. I was like, "Why am I in	10:42:59
14	images with a green frog," a frog head, usually stuck	10:43:03
15	on people, in like 2014 or '15. I just remember	10:43:08
16	saying, "This is really stupid, and I don't get this	10:43:11
17	meme."	10:43:15
18	Usually I get memes, and I like memes. So I	10:43:15
19	said, "What is this? I don't get, like I don't	10:43:18
20	get why having a frog say something is funny." And	10:43:24
21	so I looked into it. And I remember seeing articles	10:43:34
22	about it, and just said it was a weird thing on the	10:43:37
23	internet and a meme. And I read a few things about	10:43:40
24	Furie. I don't remember all the specifics.	10:43:43
25	And then later, you know, it's like one of	10:43:45

1	these things like the New York Times, "Milk is	10:43:49
2	racist." Like you read it and you go, "What?" And	10:43:52
3	you're just like, "What? Is this real?" I mean,	10:43:54
4	it's like then you search "milk is racist," and	10:43:57
5	there's a thousand articles. It's like one of those	10:44:01
6	weird things you do where it's like this can't	10:44:04
7	actually be going on.	10:44:06
8	That's kind of the same experience. Like,	10:44:08
9	"Did you hear? They're now saying milk is racist."	10:44:11
10	I'm like I had the BuzzFeed walk up to me on the	10:44:14
11	street and go, "Alex, what are your comments on	10:44:17
12	people saying milk is racist?" I thought it was a	10:44:19
13	joke. They were publishing real articles. These	10:44:22
14	were not satires.	10:44:24
15	I try to understand craziness. I just, you	10:44:25
16	know.	10:44:27
17	Q. Have you heard of a publication called Play	10:44:27
18	Time?	10:44:31
19	A. I I can't remember.	10:44:31
20	Q. Have you heard of a publication called Boys	10:44:37
21	Club?	10:44:40
22	A. Yeah. That's like for kids and sports at the	10:44:40
23	school?	10:44:47
24	Q. You are maybe thinking of Boys' Life?	10:44:48
25	A. I've heard of that. There's a thing called	10:44:51

1	Boys and Girls Club.	10:44:53
2	Q. I understand. That I understand you're	10:44:55
3	thinking of the activity group called Boys and Girls	10:44:58
4	Club.	10:45:01
5	A. Yeah.	10:45:01
6	Q. Have you heard of a publication known as Boys	10:45:01
7	Club?	10:45:05
8	A. Not that I remember, no.	10:45:05
9	Q. Can I ask you to look you had Exhibit 5	10:45:07
10	out a minute ago.	10:45:11
11	What is Exhibit 5?	10:45:12
12	A. It's the poster this lawsuit is about.	10:45:16
13	Q. And what does it depict?	10:45:22
14	A. Significant conservative or populous figures	10:45:23
15	from the 2016 presidential election.	10:45:27
16	Q. And for the record, can you identify the	10:45:30
17	people you identified the 18 or so figures. Can	10:45:32
18	you just give the names of the people in Exhibit 5?	10:45:35
19	A. Kelly Ann Conway, Roger Stone, President	10:45:38
20	Trump twice, Matt Drudge, Alex Jones, Diamond and	10:45:42
21	Silk, Pepe the Frog, Paul Joseph Watson, Ann Coulter.	10:45:46
22	There's the American flag and the capital and the	10:45:52
23	artist and the image "Infowars" and "Make America	10:45:55
24	Great Again."	10:45:59
25	Q. To your to your knowledge, has Infowars	10:45:59

1	sold any products other than this poster that feature	10:46:06
2	an image of Pepe the Frog?	10:46:11
3	A. Not to my knowledge, no. We wouldn't anymore	10:46:12
4	because it's a failure.	10:46:16
5	Q. Who created Exhibit 5, the poster?	10:46:20
6	A. I forget his name. It's in these questions.	10:46:23
7	Q. Does the name John Allen sound familiar?	10:46:29
8	A. Yeah, I believe that's him.	10:46:32
9	Q. Have you ever spoken with John Allen?	10:46:33
10	A. I don't think so.	10:46:35
11	Q. Have you ever had any kind of communications,	10:46:37
12	e-mails, texts, anything like that, with John Allen?	10:46:41
13	A. Best I understand from memory, this is like	10:46:44
14	two years ago, he kept contacting us. And somebody	10:46:47
15	in production said, hey, you know, gave the idea to	10:46:51
16	somebody in product procurement. And then I got	10:46:58
17	shown it while I was on a break.	10:47:05
18	And then I said, standard thing, I said, "Get	10:47:08
19	a contract if the guy has rights to it, and maybe buy	10:47:11
20	a thousand." I said, "I think it looks like we're	10:47:14
21	all stoned, but who knows what the public likes?	10:47:17
22	Sure. You know, sure. We test things. Then I	10:47:19
23	wandered off.	10:47:23
24	They said, "Okay, we got the contract," blah,	10:47:24
25	blah (unintelligible) so never brought to me to be	10:47:27

1	signed, but we had the contract from the guy	
2	THE REPORTER: Wait, wait. I'm sorry.	
3	THE WITNESS: I'm sorry. I know I talk fast.	
4	THE REPORTER: You do.	
5	THE WITNESS: I'm just going from memory.	
6	I'll start over.	
7	THE REPORTER: Just do it again.	
8	THE WITNESS: I'm going to start over. Here	
9	we go. As best I can remember, I was getting coffee,	10:47:36
10	and one of the procurement people I don't remember	10:47:44
11	exactly who it was held up the poster and said,	10:47:50
12	"There's this artist who made this poster, and it	10:47:53
13	shows figures from a campaign. We think it will be a	10:47:56
14	good seller."	10:47:59
15	I looked at it, and I said, "Why do we all	10:48:00
16	look stoned?" But I said, "You never know what the	10:48:03
17	public likes. It is kind of interesting." Then I	10:48:06
18	said I'm going from memory, but I said something	10:48:08
19	like, "Well, yeah, get a contract, you know. And,	10:48:10
20	you know, buy a thousand," or something.	10:48:14
21	It might have been more. I haven't looked at	10:48:15
22	the purchase orders and all that. I think we sold a	10:48:19
23	couple thousand total. You've been given all the	10:48:22
24	documents. I haven't looked at them. And I mean	10:48:23
25	and so then I saw the poster. We plugged it a couple	10:48:27

1	times. It didn't sell well, so I stopped plugging	10:48:35
2	it.	10:48:38
3	"Plugging it" means promoting it.	10:48:42
4	MR. TOMPROS: Q. Yep. And so let me back	10:48:44
5	up. So give me the timeframe of when you saw the	10:48:47
6	poster at the first instance.	10:48:52
7	A. I don't I mean, it was, if we've got	10:48:53
8	documents here about when we first bought it from	10:48:59
9	them, it would be right around that time.	10:49:01
10	Q. Okay. So it was very soon before you bought	10:49:02
11	the poster is when you first saw it?	10:49:04
12	A. I saw the poster. I didn't like it. But I	10:49:06
13	said you can never judge the public's taste,	10:49:14
14	basically in my head. And I said, "Sure, get some."	10:49:16
15	But I said, "Get a contract."	10:49:20
16	I wasn't expecting it would be an issue with	10:49:22
17	the trademark copyright. Sometimes people, you know,	10:49:25
18	say, "You agreed to pay this, you didn't pay that,"	10:49:27
19	so you always get a little copy on it, a memorandum	10:49:29
20	of understanding or something.	10:49:30
21	I said, "Yeah, get a contract if they have	10:49:31
22	the rights to it." And then wandered off. And then	10:49:32
23	a month later, a week later, I don't remember	10:49:37
24	exactly, "Okay, it's in the store, plug it." And we	10:49:39
25	tested it. It did not do well.	10:49:44

1	I said, "Don't buy any more of that." And I	10:49:46
2	remember a few months later being irritated to hear	10:49:49
3	that more had been bought, and I was being asked to	10:49:53
4	promote it more. And I said, "No."	10:49:56
5	MR. RANDAZZA: Can we pause just for one	10:50:00
6	second? You don't need to go off the record.	10:50:02
7	MR. TOMPROS: Okay.	10:50:04
8	MR. RANDAZZA: Don't say anything.	10:50:07
9	(Mr. Randazza exited the proceedings. Time	10:50:10
10	noted: 10:50 a.m 10:51 a.m.)	10:50:10
11	(Discussion off the record.)	10:51:29
12	THE WITNESS: Days of depositions over	10:51:29
13	literally five minutes' of stuff.	10:51:29
14	I'll go slow. I'll try to.	10:51:29
15	MR. TOMPROS: We're still on the record;	10:51:33
16	right?	10:51:34
17	Q. Focusing on when you first saw the poster,	10:51:34
18	all right, your reaction was that the people in it	10:51:39
19	looked stoned, and you didn't think it would be a	10:51:43
20	good seller. Is that fair?	10:51:46
21	A. I didn't particularly I mean, I liked it	10:51:47
22	some, but you know about art? It was just kind of	10:51:51
23	like, I don't like it, maybe I do, okay, it is some	10:51:53
24	images of the campaign. And, you know, I'm on it,	10:51:56
25	and Paul's on it. This is in my head.	10:51:58
		I

		10 50 00
1	There wasn't much talking. I kind of looked	10:52:02
2	at it, and go, "Why do we look stoned? I don't know	10:52:05
3	about that." I'm just kind of like, "Get a contract,	10:52:07
4	get a limited number." I don't remember the exact	10:52:10
5	amount. I think we sold a couple thousand.	10:52:13
6	So you have the contracts and all that. That	10:52:16
7	was it. And I just remember it wasn't a good seller,	10:52:18
8	and I was irritated that more got ordered.	10:52:21
9	Q. And you also mentioned thinking about if this	10:52:24
10	guy has the rights, you said something about that, I	10:52:27
11	think, in a previous answer. Can you explain what	10:52:29
12	you mean by you were describing asking whether the	10:52:32
13	person selling it to you has the rights?	10:52:36
14	A. Well, I wanted to make sure they were the	10:52:37
15	artist. I never questioned they could create a fair	10:52:39
16	use gestalt of stuff, figures in a campaign. That's	10:52:43
17	a painting of Libertarian, right-wing characters in	10:52:46
18	the campaign.	10:52:52
19	Q. Did you notice Pepe the Frog on it when you	10:52:52
20	first reviewed the poster?	10:52:54
21	A. I did. I mean, I had just a flash of that	10:52:56
22	and kind of brought up the data information in my	10:52:59
23	head about, oh, that's that stupid frog, but I guess	10:53:01
24	people like it, so whatever.	10:53:05
25	Q. And did you consider any copyright issues	10:53:07

1	when you first reviewed the poster?	10:53:10
2	A. That's why I would sit there and copyright	10:53:13
3	issues with the person who created the original	10:53:17
4	larger image. If it was just Pepe the Frog, I would	10:53:19
5	have said, I don't even want to sell that because	10:53:21
6	it's Pepe the Frog. And I would have thought, oh	10:53:24
7	I remember a split-second thought about, oh, yeah,	10:53:26
8	that's fair use. Plus, Matt Furie has been on the	10:53:29
9	internet saying everybody should use it.	10:53:33
10	And I mean, I think pretty quick. I remember	10:53:35
11	thinking that because I had seen I had seen those	10:53:38
12	articles, and I think some other interviews, too,	10:53:42
13	where he was saying, "Everybody, please use it."	10:53:44
14	It's kind of hurtful. He's like, "Please use it,	10:53:47
15	everybody," and he does this.	10:53:50
16	(Plaintiff's Exhibit No. 23 was marked for	10:53:50
17	identification.)	10:54:32
18	MR. TOMPROS: Q. Mr. Jones, you've been	10:54:32
19	handed what has been marked as Exhibit 23. I'm now	10:54:34
20	going to bore you by reading the numbers that are at	10:54:38
21	the bottom of the exhibit, but I need this for the	10:54:40
22	record.	10:54:40
23	The numbers at the bottom say FSS000141, and	10:54:41
24	it continues through 144.	10:54:44
25	Do you have that document in front of you?	10:54:47
		I

1	A. Yes.	10:54:48
2	Q. This is an article in Esquire; right?	10:54:49
3	A. M-hm.	10:54:52
4	Q. Is this one of the articles you reviewed	10:54:52
5	about Matt Furie at the time of that you were	10:54:55
6	discussing before?	10:55:01
7	A. (Reviewing document.) No, I don't remember	10:55:02
8	ever seeing this article.	10:55:04
9	Q. Can I ask you to look at page 143 of this	10:55:05
10	article? The second turn the page. Page 3 of 4	10:55:14
11	which has the numbers ending 143.	10:55:19
12	A. Okay.	10:55:21
13	Q. And do you see the second to the last bold	10:55:22
14	heading says, "Obviously the internet does whatever	10:55:26
15	it wants, but have you tried to stop it or control	10:55:29
16	it?"	10:55:32
17	Do you see that question?	10:55:34
18	A. Yes.	10:55:36
19	Q. Then the answer is, "Pepe the Frog is	10:55:36
20	copyrighted by me." Do you see that?	10:55:39
21	A. M-hm.	10:55:41
22	Q. Do you recall reading that?	10:55:41
23	A. No, I do not.	10:55:43
24	Q. If you look at the front page of the article,	10:55:44
25	the date is September 28th, 2016; right?	10:55:46

1	A. M-hm.	10:55:51
2	Q. Did you do any investigation after	10:55:51
3	September 28th, 2016, concerning whether Matt Furie	10:55:54
4	was claiming copyright in Pepe the Frog?	10:55:57
5	A. You know, we cover so much news here, I don't	10:56:00
6	remember seeing this article. Pepe the Frog was all	10:56:07
7	over the news. It's all a wash. I can't answer that	10:56:09
8	with any with any accuracy.	10:56:13
9	I do remember hearing about the copyright	10:56:17
10	fights sometime after we were already selling the	10:56:25
11	poster. It was in the back of my mind. I wasn't	10:56:33
12	first time I ever really thought about that was I	10:56:36
13	heard Mike Cernovich talking about it when he came on	10:56:39
14	my show.	10:56:43
15	He's like, "Yes, I'm being threatened by the	10:56:46
16	Pepe the Frog people for like a meme that showed a	10:56:46
17	frog head on Hillary dancing." And I remember that	10:56:48
18	was when I was like, "What?" And that was that	10:56:51
19	was after we were selling the poster, but I didn't	10:56:55
20	even I didn't even click to it.	10:56:58
21	To me, it's like, it's a big public thing in	10:56:59
22	a in a campaign, and so I just thought that was	10:57:03
23	ridiculous that you can't make a parody video, a free	10:57:07
24	video, a meme video that's like 20 seconds long of	10:57:13
25	Hillary dancing, and it's got a frog head.	10:57:16
		I

1	And it didn't even say "Pepe." But still, I	10:57:18
2	mean, you can put Kermit the Frog's head on it.	10:57:21
3	That's what everybody does. That's what memes are.	10:57:23
4	You can put John Wayne's head on it. Is the John	10:57:24
5	Wayne estate going to sue you? I'm not a lawyer.	10:57:29
6	I'm just like I never imagined that I would be	10:57:31
7	sued.	10:57:33
8	Obviously any image or something I'm selling	10:57:36
9	I have to think about, okay, what is that? That's	10:57:38
10	like saying sue Andy Warhol because he trimmed	10:57:43
11	Campbell's soup can wrappers and then put them into	10:57:51
12	collages. It just didn't make sense to me.	10:57:55
13	I just never that's why I'm fighting this.	10:57:58
14	It's not about the money. I'll spend a hundred times	10:58:00
15	the money I ever made on this just because if we	10:58:03
16	ever get into this, I'll have to leave America. The	10:58:06
17	country is dead if we can't political speech, the	10:58:08
18	most protected thing out there, and then have a it	10:58:12
19	may be one thing if we're putting out comic books	10:58:16
20	about Pepe the Frog and trying to say it was ours.	10:58:19
21	We're not. It's a political statement of a poster of	10:58:21
22	a campaign with a frog being a tiny part of it. And	10:58:24
23	this was not even in my imagination until I heard	10:58:28
24	about the Mike Cernovich thing, and then I just move	10:58:32
25	on to the next story.	10:58:35

1	News is very ADHD. And so I'm constantly	10:58:37
2	looking at stuff. So it's kind of look at it and	10:58:41
3	then move on.	10:58:43
4	Q. You mentioned a discussion with Mike	10:58:44
5	Cernovich about Pepe the Frog; correct? When was	10:58:48
6	that discussion?	10:58:51
7	A. I don't remember. I just remember that's	10:58:52
8	when I first I remember the ADL saying it was a	10:58:56
9	hate symbol. I remember Hillary saying it. I	10:59:01
10	remember laughing at that because everybody was using	10:59:04
11	it for different stuff.	10:59:07
12	Obviously unsavory white supremacists were	10:59:10
13	using it. But to project that onto the whole frog,	10:59:12
14	that's the ADL and the Democratic party. I kind of	10:59:14
15	get there like, "Furie, it's your fault." So he's	10:59:18
16	like, "Oh, well, I'll sue everybody to stop the white	10:59:20
17	supremacists."	10:59:20
18	And then the real damage is then I'm in the	10:59:23
19	news, "Jones using the white supremacist symbol."	10:59:26
20	And then, I mean, it's clear what all this is, so	10:59:29
21	people can say, "Jones is using a white supremacist	10:59:31
22	symbol," when it's not. It's a way of saying I'm a	10:59:34
23	white supremacist. So it's a way of defaming me and	10:59:36
24	acting like I stole something all at the same time.	10:59:39
25	It's just, God, I don't know how people sleep	10:59:43

1	at night. It's amazing.	10:59:45
2	Q. Do you know what happened with the video of	10:59:47
3	what you described that Mr. Cernovich had publicized?	10:59:52
4	A. No. He was coming on the show sometime I	10:59:56
5	think 2017. I don't remember. It's all a wash. I	11:00:01
6	can't remember who was on the show two weeks ago.	11:00:04
7	And I just remember him because he told the producers	11:00:07
8	he wanted to talk about that, too. And he's like,	11:00:13
9	"Oh, and then there's this, my frog video, and	11:00:16
10	they're threatening me."	11:00:21
11	I was like, "What?" So then I'm like	11:00:22
12	searching. And I'm like, "What?" That's when I'm	11:00:24
13	thinking this is just crazy.	11:00:26
14	Q. And one further question on this.	11:00:30
15	The discussion that you're describing with	11:00:34
16	Mr. Cernovich was one on your show; correct?	11:00:36
17	A. I believe we talked about it on air. Yeah, I	11:00:39
18	can't say like I said, it's all a blur. I can	11:00:41
19	remember what went on hold on, let me think.	11:00:44
20	Yeah, I seem yeah, I think he, yes, he	11:00:48
21	brought it up on air and just said, "This is	11:00:57
22	ridiculous, these attacks on free speech, and this is	11:01:02
23	so dangerous. And now just a joke video of Hillary	11:01:06
24	dancing with a frog head, people are threatening me."	11:01:10
25	And I think that was the that was that.	11:01:12

1	That's when I remember hearing people were being	11:01:18
2	threatened about the frog.	11:01:21
3	Q. Are the video recordings of your shows	11:01:22
4	archived?	11:01:25
5	A. No. Part of the deplatforming that was run	11:01:26
6	by saying I'm a white supremacist, they were all	11:01:31
7	removed. We have some archives, but they were not	11:01:32
8	they were all basically saved in the Google category	11:01:35
9	system, and we didn't do a good job of it.	11:01:38
10	So there might be other people duplicated	11:01:40
11	it, but there's been a large scale program to	11:01:44
12	unperson me so that I can then be defamed once I	11:01:46
13	can't defend myself.	11:01:50
14	Q. Do you have any way to access that video of	11:01:50
15	the Mike Cernovich discussion?	11:01:53
16	A. I don't believe so.	11:01:56
17	Q. Do you know if there's an audio recording of	11:01:56
18	it?	11:01:59
19	A. I also went on his show some. He also came	11:01:59
20	to town. So I mean, he's probably been on the show	11:02:09
21	like a hundred times. It's like a needle in a	11:02:12
22	haystack.	11:02:18
23	Q. Do you have an archive of audio of your	11:02:18
24	shows? I asked you about video a minute ago	11:02:23
25	A. We don't have them really labeled. We're	11:02:24

1	trying to do that now. We were using social media as	11:02:27
2	a way to index things. That was all removed.	11:02:30
3	Q. Go ahead.	11:02:33
4	A. So we're trying desperately to create a	11:02:34
5	system of categorizing things.	11:02:38
6	Q. You say you were using social media. What	11:02:39
7	social media are you referring to to organize these?	11:02:45
8	A. We were using iTunes; we were using Google;	11:02:47
9	we were using YouTube at subdivision. We were using	11:02:48
10	a whole bunch of other platforms that all removed the	11:02:52
11	content on August 6th, 2018. It's kind of like	11:02:56
12	burning down the Library of Alexandria.	11:02:59
13	Q. There were no other by removing the	11:03:02
14	content, they made it they didn't just make it	11:03:09
15	inaccessible, they actually made it inaccessible to	11:03:12
16	you as opposed to just inaccessible	11:03:16
17	A. Yeah. 35,000 videos, all the channels	11:03:17
18	combined, four billion views blown into oblivion.	11:03:21
19	Q. What reason, if any, was given for that?	11:03:26
20	A. It was a fake news story they ran out of the	11:03:29
21	countering disinformation propaganda center at the	11:03:36
22	CIA. It was a disinformation campaign that I pushed	11:03:40
23	a child to the ground. It was an ABC News clip of a	11:03:42
24	10-year-old hitting an adult. It was all over the	11:03:48
25	news.	11:03:50

1	I showed that. They then took the channel	11:03:50
2	down and said that I had assaulted a child. They had	11:03:51
3	to make retractions, but it didn't matter. Those	11:03:54
4	were not seen until days later; that I had assaulted	11:03:58
5	a child, and it was removed for child endangerment.	11:03:59
6	Q. That was on all the platforms was the same	11:04:02
7	reason?	11:04:04
8	A. YouTube specifically said that, it was a	11:04:04
9	hoax, just like they do with everybody. And it's a	11:04:10
10	straw man. They say you did something you didn't do	11:04:15
11	because it has a nice headline. And then the media	11:04:18
12	basically would just make up whatever they wanted	11:04:25
13	along that line.	11:04:27
14	Q. Were your videos or audio including	11:04:28
15	discussions with Mr. Cernovich available through	11:04:35
16	Twitter?	11:04:39
17	A. Some of them, but that was all deleted as	11:04:40
18	well probably a month later.	11:04:44
19	Q. The videos or the was that through the	11:04:45
20	Twitter platform also deleted?	11:04:49
21	A. Yes, I was taken off Twitter as well.	11:04:51
22	Q. Is that the same issue, the same August 6th	11:04:53
23	issue?	11:04:56
24	A. No, I was taken off basically every	11:04:57
25	platform over a hundred except for Twitter. For a	11:05:00

1	publicity stunt, they kept me on for a month so they	11:05:05
2	could make false statements about me, and then they	11:05:08
3	took me down.	11:05:11
4	Q. Was the reason given for that the same as the	11:05:11
5	other reasons?	11:05:14
6	A. No. They said for telling Jack Dorsey, the	11:05:15
7	media reporter for CNN who was lobbying to have me	11:05:23
8	taken off the air for telling him that he was the	11:05:26
9	equivalent of a modern book burner, a Nazi. A public	11:05:28
10	figure on the work job in Congress, for me telling a	11:05:31
11	grown man that he was a modern book burner, they said	11:05:35
12	that that was bullying. So I was taken off Twitter	11:05:38
13	for bullying him, for calling for me to be silenced.	11:05:41
14	Q. Could I ask you to look at Exhibit 7 in that	11:05:46
15	stack you've got there, sir?	11:05:51
16	(Plaintiff's Exhibit No. 7 was previously	11:05:51
17	marked for identification.)	11:05:51
18	MR. TOMPROS: Q. By the way, if at any point	11:05:53
19	you want to take a break, I'm happy to any time.	11:05:55
20	A. Can I get a glass of water? I don't want to	11:05:57
21	make you get up and get one.	11:06:00
22	(Pause in proceedings.)	11:06:05
23	THE WITNESS: I'll talk slower. Only my	11:06:08
24	memory works this fast.	11:06:11
25	MR. TOMPROS: Q. I talk too fast, too. So	11:06:14

1	we'll get through it. Good news, it makes the day go	11:06:17
2	faster. Could I ask you to look in that pile of	11:06:20
3	exhibits you got at Exhibit No. 7, please?	11:06:24
4	A. Okay. (Reviewing document.)	11:06:38
5	Q. What's Exhibit 7?	11:06:39
6	A. It says "Free Speech Systems," "Vendor,	11:06:40
7	Jonathan Allen" and us, and then "MAGA poster," a	11:06:43
8	thousand.	11:06:49
9	Q. And just for the record, this has the label	11:06:50
10	at the bottom FSS000001. And at the top, it says	11:06:52
11	"Purchase Order" on the top right of the document	11:06:59
12	that's Exhibit 7?	11:07:01
13	A. Yes. My memory is right. It's a thousand of	11:07:02
14	them.	11:07:05
15	Q. Okay. So Exhibit 7 is a purchase order for	11:07:05
16	the MAGA poster; correct?	11:07:09
17	A. I believe so, yes.	11:07:11
18	Q. Made by Free Speech Systems to Jonathan	11:07:13
19	Allen?	11:07:15
20	A. Yes.	11:07:16
21	Q. And the quantity is a thousand of the	11:07:16
22	posters; right?	11:07:19
23	A. Yes.	11:07:20
24	Q. You paid \$5,000; correct?	11:07:20
25	A. Yes.	11:07:22

1	Q. Was this purchase order made in the ordinary	11:07:22
2	course of Free Speech System's business?	11:07:24
3	A. Yes.	11:07:32
4	Q. Could I ask you to look at Exhibit No. 8,	11:07:34
5	please, in that list?	11:07:39
6	(Plaintiff's Exhibit No. 8 was previously	11:07:39
7	marked for identification.)	11:07:39
8	MR. TOMPROS: Q. Tell me what Exhibit No. 8	11:07:40
9	is.	11:07:44
10	A. It's a check we paid Mr. Allen.	11:07:44
11	Q. And is that a check Exhibit No. 8, is that	11:07:47
12	a check for the \$5,000 reflected in the purchase	11:07:50
13	order?	11:07:53
14	A. Yes.	11:07:53
15	Q. And that's your signature on the check;	11:07:54
16	correct?	11:07:56
17	A. Yes. You can tell I was signing a bunch of	11:07:56
18	them.	11:08:02
19	Q. Just for the record, the Exhibit No. 8, if	11:08:02
20	you just confirm for me, has the number at the bottom	11:08:09
21	Allen_Furie_000002.	11:08:11
22	A. Yes.	11:08:18
23	Q. Was that check made as a part of the ordinary	11:08:18
24	course of Free Speech Systems' business?	11:08:22
25	A. Yes.	11:08:24

1	Q. Could I ask you to look at Exhibit No	11:08:25
2	A. If I can be clear, I was saying maybe the	11:08:32
3	first month of the year from memory. This says I was	11:08:35
4	paying him the third month. So I guess that's when	11:08:37
5	that conversation happened. Because you were asking	11:08:40
6	when I thought I had the poster, and I told you I	11:08:43
7	didn't really remember. So now it was later than I	11:08:47
8	thought.	11:08:49
9	Q. So you had the first purchase order, which is	11:08:49
10	Exhibit No. 7, is dated March 7th, 2017; right?	11:08:52
11	A. Yes.	11:08:58
12	Q. And the check is dated March 22nd, 2017?	11:08:58
13	A. Yes.	11:09:01
14	Q. So the conversation about the poster would	11:09:01
15	have been shortly before March 7th, 2017?	11:09:05
16	A. Probably, yes. I want to be clear because	11:09:08
17	you were asking, I don't remember seeing this. First	11:09:11
18	time I've seen it since I signed it.	11:09:12
19	Q. Could I ask you to look at Exhibit No. 6,	11:09:15
20	please?	11:09:19
21	A. Yes.	11:09:20
22	(Plaintiff's Exhibit No. 6 was previously	11:09:20
23	marked for identification.)	11:09:20
24	MR. TOMPROS: Q. I think you may have gone	11:09:20
25	up to 10. I need you to go back to 6. I apologize.	11:09:21

		ĺ
1	A. Back to 6. Jesus.	11:09:28
2	Q. I agree our job is kind of boring.	11:09:31
3	A. I wish I would have never bought this damn	11:09:34
4	poster, I'll tell you that.	11:09:37
5	Q. Exhibit 6 is another document with a heading	11:09:38
6	"Purchase Order" and the number FSS00002; right?	11:09:40
7	A. Yes.	11:09:45
8	Q. Dated 6/13/2017?	11:09:45
9	A. Yes.	11:09:47
10	Q. That's a purchase order for 625 of the MAGA	11:09:47
11	posters; right?	11:09:52
12	A. Yes.	11:09:52
13	Q. Was this purchase order made in the ordinary	11:09:52
14	course of Free Speech Systems' business?	11:09:55
15	A. Yes.	11:09:58
16	Q. Then if you look	11:09:59
17	A. Hold on a minute. How much did I? Okay.	11:10:01
18	All right. This is irritating me they bought more of	11:10:04
19	these. Anyways.	11:10:09
20	Q. And the date on that purchase order, Exhibit	11:10:10
21	No. 6, is June 13th, 2017; right?	11:10:13
22	A. Yes.	11:10:17
23	Q. And then if you look at Exhibit No. 10, which	11:10:17
24	I think you were about to go to sorry. Go to	11:10:22
25	Exhibit No. 9, if you would, please. I promise I'm	11:10:26

		1
1	trying to do this part as fast as I can.	11:10:34
2	A. No, no, no. Business is just irritating.	11:10:37
3	(Plaintiff's Exhibit No. 9 was previously	11:10:37
4	marked for identification.)	11:10:37
5	MR. TOMPROS: Q. What is Exhibit No. 9?	11:10:39
6	A. It's another check. Looks like the check	11:10:41
7	that goes with the last purchase order.	11:10:43
8	Q. It is for \$2,770 to John Allen?	11:10:45
9	A. Yes.	11:10:51
10	Q. Was that check issued in the ordinary course	11:10:51
11	of Free Speech Systems' business?	11:10:53
12	A. Yes.	11:10:56
13	Q. Did you sign it?	11:10:56
14	A. Yes.	11:10:57
15	Q. That was a payment for that additional set of	11:10:57
16	purchases reflected in the purchase order in	11:11:01
17	Exhibit 8; right?	11:11:04
18	A. Yes, sir.	11:11:05
19	Q. And then that check is somewhat less than the	11:11:06
20	purchase order amount. Do you see that? The check	11:11:12
21	is \$2,770.	11:11:14
22	A. Yes.	11:11:15
23	Q. If you go to Exhibit 10, you see another	11:11:16
24	check.	11:11:18
25	A. Yes.	11:11:19

1	(Plaintiff's Exhibit No. 10 was previously	11:11:19
2	marked for identification.)	11:11:19
3	MR. TOMPROS: Q. That number is	11:11:19
4	Allen_Furie_0000004; right?	11:11:22
5	A. Yes.	11:11:26
6	Q. And that is another check, this time dated	11:11:26
7	July 12th, 2017; right?	11:11:32
8	A. Yes.	11:11:33
9	Q. For \$355?	11:11:33
10	A. Yes.	11:11:35
11	Q. That one is signed by you also; right?	11:11:35
12	A. Yes.	11:11:38
13	Q. You agree with me that a combination of those	11:11:38
14	two checks and numbers, Exhibits 9 and 10, add up to	11:11:40
15	\$3,125, the amount of the purchase order?	11:11:46
16	A. Yes.	11:11:47
17	Q. Okay. And both of these two checks, Exhibits	11:11:48
18	9 and 10, were issued in the ordinary course of Free	11:11:52
19	Speech Systems' business; right?	11:11:57
20	A. Yes.	11:11:57
21	Q. I think I asked you this already. I'm sorry	11:11:58
22	if I did. That's your signature on Exhibits 9 and	11:11:59
23	10; right?	11:12:03
24	A. Yes. I'm not sure what this last one is for,	11:12:04
25	though. We bought more of these?	11:12:07

1	Q. That was going to be my next question.	11:12:08
2	Do you know why there were two separate	11:12:09
3	checks for that purchase order?	11:12:11
4	A. Someone I don't know. Someone probably	11:12:12
5	made a mistake or something. I don't know.	11:12:13
6	Q. And I also want to ask you this: There was	11:12:15
7	an additional order of 625 posters in July; right?	11:12:18
8	A. Yes. I'm getting irritated that more were	11:12:23
9	ordered.	11:12:26
10	Q. When did you learn about more being ordered?	11:12:26
11	After they were ordered or before?	11:12:31
12	A. After.	11:12:31
13	Q. Do you know why more were ordered?	11:12:32
14	A. No, I don't.	11:12:36
15	Q. Do you know who made the decision to order	11:12:37
16	more?	11:12:39
17	A. No, I don't.	11:12:40
18	Q. Who would you have expected to make that kind	11:12:40
19	of decision?	11:12:43
20	A. We've changed a lot of people from the	11:12:43
21	people working over there. So I don't remember.	11:12:55
22	This was a very trivial thing.	11:12:58
23	Q. Who did you get irritated at, if you	11:13:00
24	remember?	11:13:02
25	A. I just remember asking, "What happened with	11:13:02

1	that poster?" And they said, "Oh, we've still got	11:13:10
2	some." I said, "We've still got some? We never sold	11:13:15
3	out?" They go, "Well, we kept it up, and then that	11:13:19
4	slowly sold out." And I can't remember what.	11:13:21
5	What happened was what I was told was, if	11:13:24
6	memory serves, is it would stay up there for months	11:13:26
7	and months, and then they didn't take it down when it	11:13:30
8	sold out, even though the computer said inventory was	11:13:33
9	gone. So then someone reordered the amount we	11:13:36
10	wanted, even though it was a slow seller, to fill	11:13:39
11	inventory.	11:13:42
12	I said, "Take it out. Do not" I remember	11:13:42
13	saying, "No more, no more." That's a mistake when	11:13:45
14	something is a bad seller, but you leave it up, then	11:13:48
15	it finally sells out, and you haven't put in there to	11:13:50
16	stop selling it in the computer, so more of it comes	11:13:53
17	in. Classic mistake that happens with online sales.	11:13:57
18	And then so that's the best I remember why I	11:14:00
19	was irritated.	11:14:03
20	Q. In that timeframe, which is I guess June or	11:14:03
21	so of 2017, why did you want to stop selling it?	11:14:07
22	A. Because it was not a good seller.	11:14:11
23	Q. Through what venues did you sell the poster?	11:14:16
24	A. Just online store and then over the	11:14:31
25	telephone. I guess people can I guess write a	11:14:36

1	letter. I don't get that one.	11:14:39
2	Q. There's a website, Infowarsstore.com; right?	11:14:41
3	A. Yes.	11:14:44
4	Q. That's one of the places it was sold?	11:14:44
5	A. Yes.	11:14:47
6	Q. And Infowarsshop.com; right?	11:14:47
7	A. Yes.	11:14:49
8	Q. That's another place it was sold; right?	11:14:49
9	A. I don't know if we had them on both sites.	11:14:51
10	Q. You mentioned selling by telephone. Do you	11:14:54
11	know if any orders were made by telephone?	11:14:56
12	A. No, I don't.	11:14:58
13	Q. If they were, would they be in the regular	11:14:59
14	inventory records?	11:15:01
15	A. Yes.	11:15:02
16	Q. How did you advertise the MAGA poster?	11:15:02
17	A. It was on the shopping cart, and I think I	11:15:06
18	mentioned it a few times.	11:15:09
19	Q. You say it's on the shopping cart. Can you	11:15:10
20	explain what that means?	11:15:13
21	A. Infowarsstore.com.	11:15:14
22	Q. And so was it made prominent in some way in	11:15:17
23	Infowarsstore.com? What do you mean, "it was on the	11:15:23
24	shopping cart"?	11:15:25
25	A. It just was listed somewhere on the shopping	11:15:26

		1
1	cart.	11:15:30
2	Q. By "the shopping cart," do you mean the whole	11:15:31
3	of the online store? Is that the idea?	11:15:34
4	A. Kind of thing like Amazon. So no. Car parts	11:15:35
5	aren't all over Amazon. People search for it. So	11:15:40
6	they're looking for that, they go get it. So if	11:15:43
7	somebody wanted to get kind of Infowars schwag, I	11:15:47
8	guess what you would call it, there's a few things	11:15:51
9	like that, it's not very pop that's not one of	11:15:53
10	our big sellers. So I just, I really never put much	11:15:54
11	thought into this.	11:16:02
12	Q. You mentioned that you mentioned it on the	11:16:03
13	show a few times.	11:16:06
14	A. Yes.	11:16:07
15	Q. Do you recall approximately when that was?	11:16:07
16	A. No. Obviously, I would imagine right around	11:16:09
17	the time it came in. So I guess that would be in the	11:16:12
18	fourth month of the year, probably third month. I	11:16:15
19	don't know when it came in. I will plug something,	11:16:18
20	people will buy it. Then I plug it more. If they	11:16:21
21	don't buy it, we discontinue it.	11:16:24
22	So I remember plugging it, and no one was	11:16:28
23	really buying it. Something like we have a	11:16:28
24	meeting once every two weeks about sales. I was	11:16:30
25	like, "I told you that poster is crap. Don't reorder	11:16:32
		1

1	it."	11:16:35
2	Q. Did sales increase when you plugged it; do	11:16:35
3	you know?	11:16:38
4	A. Well, I mean, yes. When you talk about	11:16:38
5	something to test market it, you're going to get some	11:16:48
6	sales, unless I guess you're selling horse manure. I	11:16:51
7	guess you could sell that for people's gardens. So	11:16:58
8	yes, but it didn't do well compared to other	11:17:01
9	products. And so	11:17:06
10	Q. When you plugged it, did you show the poster	11:17:14
11	on your video program?	11:17:16
12	A. Yes.	11:17:18
13	Q. What did you say about it?	11:17:19
14	A. "We've got this poster, shows some of the	11:17:22
15	characters of the 2016 campaign, and getting the	11:17:30
16	poster helps fund our operation. So if you like the	11:17:34
17	poster, please get it." I think I even said I think	11:17:37
18	we all look like we're stoned. I think I even said	11:17:39
19	that on air. That's what I do is I really talk about	11:17:42
20	stuff like that. And that was it.	11:17:46
21	Q. And are there any archives of the video or	11:17:47
22	audio of you describing the poster on the show?	11:17:51
23	A. We don't log all that. We just give like	11:17:53
24	shows names. And so we don't have a system we	11:17:57
25	don't have like that's why Google and all that is	11:18:01

1	important because once you put it in, it's in a big	11:18:04
2	searchable system. So we don't have that.	11:18:07
3	Q. So you might have the video, but no way to	11:18:09
4	find it? Is that it, no way to find the specific	11:18:12
5	show?	11:18:15
6	A. Man, we have rooms of hard drives, and we	11:18:15
7	stopped doing that a few years ago for most things	11:18:20
8	because it's just so expensive. So we used all those	11:18:22
9	big platforms, like the Cloud. Your phone doesn't	11:18:26
10	hold your photos anymore. It's out there.	11:18:29
11	So imagine if you got kicked off the Cloud.	11:18:31
12	I mean, they do that in China. It's a political	11:18:34
13	they just get kicked off. You can't even be online.	11:18:38
14	That's the Global Social Score. So it's the same	11:18:40
15	thing.	11:18:42
16	It was on the Cloud, basically. They don't	11:18:44
17	call it that; that's what it is. So it was taken off	11:18:47
18	the Cloud. And so there's some things here, some	11:18:49
19	things there. It's a disaster because we're trying	11:18:51
20	to find things. We're like wanting to, "Remember	11:18:54
21	that day we had that guest on?" We can even find the	11:18:56
22	day, and then it's not there.	11:18:59
23	But usually, to help you guys, someone has	11:19:05
24	copied it over to somewhere else like YouTube. But	11:19:07
25	then if you don't remember the name, you can't find	11:19:11

		1
1	it. It's like going to a library and not remembering	11:19:13
2	the name of a book. You see what I'm saying?	11:19:18
3	Q. I understand.	11:19:21
4	Let me ask you, just to level set so the	11:19:22
5	record is straight. So you talk about your show.	11:19:25
6	What show are you talking about where you would have	11:19:28
7	mentioned the poster? What show or shows?	11:19:32
8	A. Sometime around the time the poster came in,	11:19:34
9	we would test market it.	11:19:37
10	Q. I'm sorry, what's the name of the program?	11:19:39
11	A. The Alex Jones Show.	11:19:42
12	Q. So it would have been on The Alex Jones Show.	11:19:43
13	That's both a video and an audio show; correct?	11:19:45
14	A. Yes.	11:19:48
15	Q. Would you have discussed the poster on any	11:19:49
16	other program?	11:19:54
17	A. No. God, no. I mean, I've talked about it	11:19:54
18	since the lawsuit. It's like stepping in a hole and	11:20:01
19	breaking your leg. It's not like a fun thing, you	11:20:05
20	know.	11:20:08
21	Q. I understand.	11:20:08
22	So when you say you talked about it since the	11:20:12
23	lawsuit, would that also have been on The Alex Jones	11:20:15
24	Show?	11:20:18
25	A. Yes. I've talked about it.	11:20:18
		1

1	Q. M-hm. Any other programs you've talked about	11:20:19
2	it since on?	11:20:21
3	A. People brought it up to me when I've been on	11:20:22
4	shows. And I just basically tell them the same thing	11:20:29
5	I told you.	11:20:31
6	Q. Do you recall what those other shows were?	11:20:32
7	A. No. Let me tell ya, I don't like the frog.	11:20:34
8	I don't like this whole thing. But I got to stand up	11:20:39
9	for the First Amendment. Let's say the frog is	11:20:43
10	triggering for me now. I hate Pepe.	11:20:45
11	Q. Could I ask you to look at Exhibit 13,	11:20:50
12	please?	11:20:50
13	(Plaintiff's Exhibit No. 13 was previously	11:20:50
14	marked for identification.)	11:20:50
15	MR. TOMPROS: Q. What is Exhibit 13?	11:21:08
16	For the record, Exhibit 13 has numbers	11:21:09
17	ranging from FSS004872	11:21:11
18	A. Yes.	11:21:15
19	Q through 4875. Do you have that?	11:21:15
20	A. Yes.	11:21:19
21	Q. What is Exhibit 13?	11:21:19
22	A. Looks like looks like banners we made to	11:21:20
23	promote the poster.	11:21:31
24	Q. A banner that would have appeared on a	11:21:33
25	website?	11:21:37

1	A. Yes, Infowars.com.	11:21:37
2	Q. On Infowars.com or Infowarsstore.com; do you	11:21:39
3	know?	11:21:46
4	A. I don't remember. These look like I don't	11:21:46
5	know if you guys got these in discovery. Sometimes a	11:21:48
6	lot of times, this looks like they'll make a couple	11:21:52
7	things, and I'll pick what I want to use. I don't	11:21:54
8	know. This looks like something we made. I don't	11:21:57
9	remember.	11:21:59
10	Q. If you when you say, "It looks like	11:21:59
11	something we made," what makes you think it's	11:22:02
12	something you made?	11:22:04
13	A. I know what our graphics people look like.	11:22:05
14	And I vaguely remember this.	11:22:10
15	Q. Who would have made, for example, the image	11:22:12
16	on the first page, 4872?	11:22:14
17	A. We've got three graphics people. I don't	11:22:17
18	know which one did it.	11:22:20
19	Q. Did you review it at any point?	11:22:21
20	A. I generally approve graphics, so yes.	11:22:24
21	Q. What's the purpose of a banner ad like this?	11:22:28
22	A. To sell a product.	11:22:34
23	MR. TOMPROS: Do you mind if we take a quick	11:22:37
24	break?	11:22:50
25	THE VIDEOGRAPHER: We're going off the	11:22:53

1	record. The time is 11:22.	11:22:56
2	(Recess taken: 11:23 a.m 11:31 a.m.)	11:23:03
3	THE VIDEOGRAPHER: We are back on the record.	11:31:30
4	The time is 11:31.	11:31:31
5	MR. TOMPROS: Q. So Mr. Jones, how did your	11:31:34
6	audience receive the MAGA poster?	11:31:40
7	A. I would say it was frigid.	11:31:45
8	Q. Have you seen any feedback about the MAGA	11:31:49
9	poster from any purchasers?	11:31:52
10	A. I haven't looked at the feedback. I'm sure	11:31:53
11	there was some feedback. We get feedback on	11:31:56
12	everything.	11:31:57
13	Q. You get customer comments, for example?	11:31:57
14	A. We have customer service. I haven't seen any	11:31:59
15	of that.	11:32:02
16	Q. Your website occasionally posts customer	11:32:03
17	comments and reviews on the product's pages	11:32:06
18	themselves on the website; right?	11:32:08
19	A. We have linked PowerReviews and other	11:32:10
20	third-party reviews. It might have been reviewed.	11:32:17
21	I I've just not looked at it.	11:32:20
22	Q. Could you take a look at Exhibit 18 in that	11:32:25
23	stack there, if you don't mind?	11:32:27
24	A. Sure.	11:32:28
25	////	

1	(Plaintiff's Exhibit No. 18 was previously	11:32:28
2	marked for identification.)	11:32:28
3	MR. TOMPROS: Q. Exhibit 18 is a document	11:32:31
4	with the title Second Amended Complaint for Copyright	11:32:34
5	Infringement. I'll represent to you this is one of	11:32:39
6	the filings we made in the case. Of course, it's	11:32:41
7	thick and complicated.	11:32:43
8	If you look at the back of page 20, Exhibit	11:32:44
9	B1, you see it right there?	11:32:48
10	A. Yes, sir.	11:32:51
11	Q. That's a picture of the MAGA poster on that	11:32:51
12	page; right?	11:32:57
13	A. It is.	11:32:57
14	Q. And this is a page from your website;	11:32:57
15	correct? If you continue on down, for example, if	11:33:02
16	you look at the bottom left of page 20	11:33:05
17	A. Yes.	11:33:07
18	Q there's a URL.	11:33:07
19	A. Yes. This is a print-off of it. It doesn't	11:33:09
20	look like the site, but yeah.	11:33:13
21	Q. And the URL is Infowarsstore.com	11:33:14
22	A. Yes. We had the poster posted there.	11:33:17
23	Q. Okay. If you go down to the next page,	11:33:19
24	page 21, you see a section, "Review Snapshot, by	11:33:21
25	PowerReviews."	11:33:25

1	Α.	Yes.	11:33:26
2	Q.	PowerReviews is the review service you	11:33:26
3	mention	ed before; right?	11:33:28
4	А.	Yes.	11:33:29
5	Q.	This is where customers can leave reviews of	11:33:29
6	the pos	ter; right?	11:33:32
7	Α.	Yes.	11:33:32
8	Q.	They gave, looks like as of this time, 23	11:33:33
9	five-st	ar reviews and one four-star review?	11:33:37
10	Α.	Yes.	11:33:41
11	Q.	Could you look at page 25 of this exhibit,	11:33:41
12	Exhibit	. 18?	11:33:49
13	Α.	Yes.	11:33:50
14	Q.	Page 25 of Exhibit 18, if you look in the	11:33:50
15	middle	of the page of page 21	11:33:53
16	Α.	21.	11:33:59
17	Q.	Strike that. Let me start again.	11:33:59
18		Exhibit 18, page 25.	11:34:02
19	Α.	I'm there.	11:34:04
20	Q.	Says Exhibit B1 right above page 25 on the	11:34:05
21	bottom.		11:34:09
22	Α.	Yes.	11:34:09
23	Q.	Middle of that, it says, "Beautifully colored	11:34:09
24	poster,	" exclamation point. "Love Pepe the Frog in	11:34:12
25	it." R	ight?	11:34:16

1	A. "Red color, vibrant, excellent, thank you."	11:34:17
2	Where's it say that?	11:34:24
3	Q. Looks like you need to go down a little bit	11:34:25
4	to the middle, right, says in bold, "Beautifully	11:34:28
5	colored poster" I?	11:34:32
6	A. I see that. Sorry.	11:34:33
7	Q. That's a reviewer commenting on the poster on	11:34:35
8	your website; right?	11:34:38
9	A. Yes.	11:34:38
10	Q. I think you can probably set this aside.	11:34:39
11	When did you first learn of this lawsuit?	11:34:54
12	A. I was on vacation with my children in	11:34:56
13	Colorado. I think it was March of this year. And	11:35:08
14	everybody was calling me because there was just	11:35:12
15	thousands of news articles saying, "Alex Jones sued	11:35:14
16	for using white supremacist frog," which is just a	11:35:24
17	way to say I was a white supremacist. It's a	11:35:27
18	horrible defamation.	11:35:29
19	And I just was I pulled it up. It was	11:35:32
20	just everywhere, all over the place, that that	11:35:35
21	Furie was suing people because white supremacists had	11:35:43
22	stolen his frog, and I was basically the chief one.	11:35:48
23	And it was it was just very upsetting to my	11:35:51
24	family.	11:35:55
25	Q. So you learned of the lawsuit from the media;	11:35:55
		I

1	right?	11:35:59
2	A. Yeah. It wasn't the lawsuit that was	11:35:59
3	upsetting. It was the vehicle of the lawsuit. And	11:36:02
4	we all know what's going on here, to sit there and	11:36:04
5	defame me as a white supremacist when I'm the	11:36:08
6	opposite. White supremacists hate me. Benjamin	11:36:10
7	Netanyahu, I'm pro Israel.	11:36:14
8	And they can put in the news that, "Matt	11:36:16
9	Furie is taking back his poster from white	11:36:19
10	supremacists, and Alex Jones has been sued." So	11:36:22
11	people see that, and they think I'm a white	11:36:23
12	supremacist.	11:36:23
13	So you asked what it was like. You're making	11:36:28
14	me go back to that point. So I'm not a victim. You	11:36:29
15	brought it back to the point of my wife crying	11:36:31
16	because her friends were calling her saying, "Your	11:36:34
17	husband is a white supremacist," because the	11:36:37
18	headlines were, "Creator of Pepe the Frog sues Alex	11:36:40
19	Jones to make white supremacists stop using it."	11:36:46
20	God. Evil, evil. That is just evil.	11:36:49
21	Q. You learned of the lawsuit through the press	11:36:52
22	first, though; right?	11:36:56
23	A. Uh-huh, uh-huh.	11:36:57
24	Q. That's all I wanted to make sure.	11:36:58
25	I understand you got calls from reporters;	11:37:02

1	correct?	11:37:05
2	A. M-hm.	11:37:05
3	Q. After having learned of the lawsuit, did you	11:37:06
4	stop selling the MAGA poster?	11:37:11
5	A. No. I called and said, "Do we still have	11:37:14
6	this thing?" "Yeah, we got a few of them left." And	11:37:17
7	I said, "Well, if we can't sell at a low price, jack	11:37:20
8	the price up. Now it's in the news, maybe people	11:37:24
9	will buy it, and we can fund the defense of free	11:37:27
10	speech." And still people wouldn't buy it.	11:37:30
11	So it's in thousands of newspapers, and	11:37:32
12	people wouldn't buy it. This is like trash you can't	11:37:34
13	get the trash man to pick up.	11:37:38
14	Q. So you increased the price of the poster	11:37:39
15	after the lawsuit was filed; right?	11:37:42
16	A. Yes. That still didn't work.	11:37:44
17	Q. And you increased it because the poster was	11:37:45
18	in the news and now people might buy it?	11:37:51
19	A. Yeah. They didn't. They didn't. It didn't	11:37:53
20	do anything.	11:38:01
21	Q. You were the one that made the decision to	11:38:02
22	increase the price?	11:38:04
23	A. Yes. I said, "How many of this God damn	11:38:05
24	thing do we have left?" They told me. I forget what	11:38:10
25	it was. I said, "Increase the price, you know.	11:38:13

1	Maybe people want to buy this thing now." And no one	11:38:16
2	wanted it.	11:38:21
3	Q. Could you take a look, if you would, at	11:38:22
4	Exhibit 11 in that stack?	11:38:26
5	(Plaintiff's Exhibit No. 11 was previously	11:38:26
6	marked for identification.)	11:38:26
7	MR. TOMPROS: Q. Exhibit 11 is a document	11:38:27
8	that begins with the number FSS004840, and it goes	11:38:35
9	through 4869. Do you see that?	11:38:40
10	A. Yes.	11:38:43
11	Q. Do you recognize this Exhibit 11?	11:38:44
12	A. No. I told you I haven't looked at most of	11:38:47
13	this stuff.	11:38:52
14	Q. I'll represent to you that "FSS" number at	11:38:52
15	the top means this is something Free Speech Systems	11:38:57
16	gave us in the course of discovery in this case.	11:39:00
17	I can represent to you, if it's helpful,	11:39:02
18	Dr. Jones yesterday testified this is a spreadsheet	11:39:04
19	of sales of the MAGA poster.	11:39:06
20	A. Okay.	11:39:09
21	Q. You don't have to believe me.	11:39:10
22	A. I believe you. That's what it looks like.	11:39:11
23	Q. Nothing inconsistent with that that you see;	11:39:13
24	right?	11:39:15
25	A. Looks like a spreadsheet, yeah.	11:39:15

1	Q. So at the very beginning, it shows a date of	11:39:17
2	4/23/17 and a price of \$19.95; right?	11:39:20
3	A. Yes.	11:39:23
4	Q. And then at some point, looks like around	11:39:24
5	5/12/17, the price per poster changes to \$17.76.	11:39:28
6	Do you see that?	11:39:35
7	A. Yes.	11:39:36
8	Q. And who made the decision to change the price	11:39:36
9	of the poster from \$19.95 to \$17.76?	11:39:39
10	A. I don't remember that. I don't remember.	11:39:45
11	Q. Okay. And then	11:39:47
12	A. I remember saying, "Well, now maybe it's all	11:39:50
13	over the news, I'll say this is the poster they're	11:39:54
14	trying to censor, so maybe we can sell what we got	11:39:58
15	left." And then that didn't work.	11:40:00
16	Q. Right. I just want to make sure I have the	11:40:01
17	context.	11:40:01
18	It looks like the poster was first sold in	11:40:04
19	April of 2017 at \$19.95, and then the price was	11:40:08
20	decreased in May of 2017, last year, to \$17.76;	11:40:10
21	right? That's step one; correct?	11:40:17
22	A. Yeah.	11:40:19
23	Q. And then it	11:40:19
24	A. I'm not involved in this level of minutia.	11:40:20
25	Q. I understand.	11:40:20

1	A. I really can't tell you.	11:40:24
2	Q. I understand.	11:40:25
3	So then I would like to then ask you to look	11:40:25
4	at the page ending 4865 in the spreadsheet. You got	11:40:27
5	that?	11:40:36
6	A. Yeah. I got it.	11:40:36
7	Q. And that's in this on this page, the	11:40:37
8	prices are still \$17.76 for most of the page until	11:40:40
9	March 6th, 2018, the price changes to \$29.95.	11:40:47
10	A. Yes.	11:40:51
11	Q. That's the price increase that you described;	11:40:51
12	right?	11:40:54
13	A. Yep.	11:40:54
14	Q. And the posters that were sold at \$29.95 on	11:40:54
15	or after March 6th were sold at this increased price;	11:40:58
16	right?	11:41:03
17	A. Yes.	11:41:03
18	Q. So, for example, the next page you had	11:41:03
19	somebody order five of them at that increased price	11:41:06
20	for \$149 and	11:41:08
21	A. Yes.	11:41:11
22	Q 75 cents, okay.	11:41:12
23	After you increased the price of the poster,	11:41:25
24	did you have any increased cost associated with the	11:41:28
25	poster?	11:41:32

1	A. I'm sorry, say that again.	11:41:33
2	Q. Yeah, yeah.	11:41:37
3	So you were previously selling the poster for	11:41:39
4	\$17.76; right? You already bought them from Jonathan	11:41:41
5	Allen; right?	11:41:44
6	A. Exactly. The price is \$19.95. Somebody	11:41:44
7	lowers it trying to get rid of it. Then this	11:41:46
8	happens. I go, "Okay, maybe now people will care and	11:41:48
9	we can at least recoup some of the expense of this."	11:41:50
10	And I just remember like going, "Did we sell	11:41:52
11	those?" "Well, no, not yet."	11:41:55
12	Q. So the ones that you sold at the increased	11:41:58
13	price, the difference between that \$17.76 and the new	11:42:00
14	\$29.95, that would all be profit; right? No	11:42:05
15	increased costs?	11:42:08
16	A. Yes. I think we've given you guys a	11:42:09
17	spreadsheet on profit on the thing.	11:42:14
18	Q. Yep.	11:42:16
19	A. You guys wanted to settle for what we made.	11:42:16
20	First you wanted the gross amount. Then you offered	11:42:19
21	what we made. And it's not about money. It's about	11:42:22
22	the First Amendment, and it's about free speech.	11:42:27
23	That's why I'm doing this.	11:42:30
24	I don't want Pepe. I don't want anywhere	11:42:32
25	near it. I hate it. I can't sit here and be called	11:42:35
		1

1	a white supremacist because I sold the damn poster	11:42:39
2	and be defamed. And then the sick joke of paying you	11:42:43
3	when you did that as a vehicle of propaganda, I mean,	11:42:46
4	that's sick. And so, you know, that's why this is	11:42:50
5	all going to come out. This is all going to happen.	11:42:55
6	Q. Let's see the transcript. I don't think	11:42:59
7	you're going to like this part. I'll give it to you	11:43:10
8	anyway, if we can mark one.	11:43:14
9	(Plaintiff's Exhibit No. 24 was marked for	11:43:14
10	identification.)	11:43:14
11	MR. TOMPROS: Q. Mr. Jones, you've been	11:43:39
12	handed what has been marked as Exhibit No. 24. I	11:43:40
13	will represent to you that after this case was filed,	11:43:46
14	there was a video posted to Infowars.com, which we	11:43:52
15	downloaded and had transcribed. That's what this	11:43:59
16	document	11:44:04
17	A. Oh, you're asking me about this earlier, and	11:44:04
18	then you have it all right here.	11:44:06
19	Q. No, sir. The ones that I have are the ones	11:44:08
20	after the lawsuit is filed. I was asking you about	11:44:10
21	the ones before the lawsuit was filed.	11:44:12
22	A. This is helpful. Yeah.	11:44:13
23	Q. And this is we don't I would love to	11:44:14
24	get, for the record, I would love to get the ones	11:44:19
25	before the lawsuit was filed. I understand you guys	11:44:21

1	don't seem to have access to it because of the Cloud	11:44:23
2	issues. We would love those, too. But this is one	11:44:26
3	of the ones we have after the case was filed.	11:44:28
4	So if you take a look at page 2 you can	11:44:31
5	see this is four pages.	11:44:37
6	A. I get it.	11:44:39
7	Q. All right. At the top of page 2 of the	11:44:40
8	internal pagination, we have you talking saying,	11:44:44
9	"This individual has sued Mike Cernovich"; right?	11:44:47
10	A. I think Mike said he had been sued. Then	11:44:52
11	later he wasn't. He was threatened with a suit.	11:44:54
12	Q. Okay. And the individual you're talking	11:44:57
13	about there is Matt Furie, the plaintiff in this	11:44:59
14	case?	11:45:02
15	A. Yeah, I remember now that I'm reading this.	11:45:02
16	Q. If you want to take a minute to read this,	11:45:03
17	it's pretty short, at least the part about Pepe is	11:45:03
18	pretty short. If you need time to read it, feel	11:45:05
19	free.	11:45:07
20	A. No, just go ahead. Just go ahead.	11:45:07
21	Q. So then if you look at page 6, beginning at	11:45:08
22	line 2, it says, "So this individual went one	11:45:14
23	further, though"	11:45:18
24	MR. RANDAZZA: Hold on. Page 6?	11:45:19
25	MR. TOMPROS: Page 6, internal page 6 of the	11:45:22
		1

1	deposition. It's page I guess page 2.	11:45:26
2	MR. RANDAZZA: "It's what they do."	11:45:31
3	MR. TOMPROS: Correct.	11:45:31
4	Q. Page 6 begins, "It's what they do." Page 6,	11:45:31
5	line 2, says, "So this individual went one further,	11:45:36
6	though." Do you see that?	11:45:39
7	A. Yep.	11:45:40
8	Q. "This individual" is, again, Mr. Furie;	11:45:40
9	correct?	11:45:43
10	A. Yes.	11:45:43
11	Q. "He filed a lawsuit on us saying we create	11:45:43
12	and sell a poster with Pepe the Frog on it"; right?	11:45:46
13	A. Yes.	11:45:50
14	Q. That's all a reference to Mr. Furie; right?	11:45:50
15	A. I think so.	11:45:53
16	Q. And the this is a statement that you made	11:45:54
17	on your show shortly after a suit was filed; correct?	11:46:09
18	A. I believe so.	11:46:13
19	Q. And you understood at the time that you were	11:46:13
20	being sued for copyright infringement; correct?	11:46:16
21	A. Yes.	11:46:20
22	Q. Line 10, you go on to say, "So the last ones	11:46:20
23	that we have are available right now at	11:46:25
24	Infowarsstore.com"; right?	11:46:29
25	A. Yes.	11:46:29

1	Q. That's a plug for the poster; correct?	11:46:29
2	A. Yes.	11:46:31
3	Q. And you say, "I'm going to sign the last	11:46:32
4	100"; right?	11:46:35
5	A. Yes.	11:46:35
6	Q. Did you, in fact, sign the last 100?	11:46:37
7	A. I don't remember.	11:46:39
8	Q. You may have signed them? You don't	11:46:40
9	remember?	11:46:42
10	A. I don't remember.	11:46:42
11	Q. Did anyone tell you to stop selling the MAGA	11:46:43
12	poster after the lawsuit was filed?	11:47:03
13	A. I don't think so.	11:47:10
14	Q. Let's do the 'rog responses, which one was	11:47:10
15	that? Could I ask you to go back, go up to Exhibit	11:47:17
16	No. 12 in your stack there, sir?	11:47:22
17	MR. RANDAZZA: What is Exhibit 12?	11:47:32
18	THE WITNESS: It's all a mess here now.	11:47:34
19	(Plaintiff's Exhibit No. 12 was previously	11:47:34
20	marked for identification.)	11:47:38
21	MR. TOMPROS: Q. Do you have Exhibit No. 12?	11:47:38
22	A. I do.	11:47:40
23	Q. It's a document with the title on the first	11:47:40
24	do you have it, Mr. Randazza?	11:47:43
25	MR. RANDAZZA: I'm looking here, see if I've	11:47:45

1	got it.	11:47:47
2	THE WITNESS: Can I just do one quick thing	11:47:50
3	here?	11:47:53
4	MR. TOMPROS: Do you want to go off the	11:47:53
5	record, we can?	11:47:55
6	THE WITNESS: I just need to send something	11:47:55
7	here.	11:47:57
8	THE VIDEOGRAPHER: Going off the record. The	11:47:59
9	time is 11:47.	11:48:00
10	(Recess taken: 11:48 a.m 11:50 a.m.)	11:48:04
11	THE VIDEOGRAPHER: We're back on the record.	11:50:37
12	The time is 11:50.	11:50:38
13	MR. TOMPROS: Q. Mr. Jones, right before we	11:50:40
14	went off the record, I was asking you to take a look	11:50:42
15	at Exhibit 12. Do you have that?	11:50:44
16	A. You're free to use any means necessary, but I	11:50:47
17	want Pepe the Frog alive. No disintegrations.	11:50:52
18	Sorry, let's go back. A little joke.	11:50:57
19	Q. All right. We have Exhibit No. 5; right?	11:50:57
20	A. Okay. Exhibit No. 5.	11:51:00
21	Q. First page of Exhibit 5 says, "Defendants	11:51:00
22	Infowars, LLC, and Free Speech Systems, LLC's	11:51:04
23	Supplemental Responses to	11:51:08
24	A. I'm looking, sorry. There's so many papers	11:51:09
25	here.	11:51:12

1	Q. I'm sorry. Exhibit 12. Start or backup.	11:51:16
2	Exhibit 12.	11:51:20
3	A. I have it. I have you now.	11:51:20
4	Q. Exhibit 12, Defendant Infowars, LLC, and Free	11:51:22
5	Speech Systems, LLC's Supplemental Responses to	11:51:27
6	Plaintiff Matt Furie's First Set of Interrogatories.	11:51:29
7	You have that; right?	11:51:32
8	A. Yes.	11:51:32
9	Q. If you look at the last page of Exhibit 12	11:51:33
10	excuse me the second to the last page, page 20 of	11:51:38
11	Exhibit 12.	11:51:41
12	A. Sorry.	11:51:45
13	Q. That's all right.	11:51:45
14	A. I've been working out lately, and I worked	11:51:48
15	out this morning. Page 12?	11:51:51
16	Q. Page 20 of Exhibit 12. There's a what's	11:51:52
17	called a Verification of Interrogatory Answers there;	11:51:57
18	right?	11:52:01
19	A. M-hm.	11:52:01
20	Q. And it says you, Alex Emric Jones, and says	11:52:01
21	that you say these answers are true and correct to	11:52:06
22	the best of your knowledge; right?	11:52:09
23	A. Yes.	11:52:10
24	Q. You signed that on December 7th, 2018; right?	11:52:10
25	A. M-hm.	11:52:15

1	Q. You have to say "yes" or "no." I'm sorry.	11:52:16
2	A. Yes.	11:52:18
3	Q. Thank you.	11:52:18
4	You reviewed it carefully before you signed	11:52:19
5	it; right?	11:52:21
6	A. (Reviewing document.) Yes, yes, I scanned	11:52:22
7	over it.	11:52:31
8	Q. So the answers in these interrogatory	11:52:31
9	responses are true to the best of your knowledge?	11:52:34
10	A. Yes.	11:52:37
11	Q. I don't want to have to wade through the	11:52:37
12	details, but for example, there are representations	11:52:45
13	about revenues made from the MAGA poster in this	11:52:48
14	interrogatory response. And if there are	11:52:52
15	representations in here, they're true to the best of	11:52:54
16	your knowledge; right?	11:52:56
17	A. You've got the raw spreadsheets. I	11:52:57
18	whatever is in there is what it is.	11:53:01
19	Q. Okay. Let's do this.	11:53:02
20	(Plaintiff's Exhibit No. 25 was marked for	11:53:02
21	identification.)	11:53:33
22	MR. TOMPROS: Q. Mr. Jones, you've been	11:53:33
23	handed what has been marked as Exhibit 25. It's a	11:53:35
24	one-page document with an image on it.	11:53:38
25	Do you have that in front of you?	11:53:42

1	A. Yes.	11:53:43
2	Q. Do you recognize it?	11:53:44
3	A. It's like a martian with the name "Pepe" on	11:53:45
4	it. A frog.	11:53:49
5	Q. Have you seen that character before?	11:53:50
6	A. I don't remember.	11:53:51
7	Q. Is the character in Exhibit 25, has that ever	11:53:56
8	appeared on any poster that Infowars has sold?	11:54:04
9	A. No. It looks like a lot of these frog	11:54:07
10	characters. Looks like Pepe the Frog or looks like	11:54:11
11	Pepe the Toad. Looks like Kermit the Frog.	11:54:14
12	Q. Could I ask you to look back if you would,	11:54:23
13	sir, to the exhibit we were just looking at,	11:54:26
14	interrogatory responses, 12.	11:54:27
15	A. Yes, 12.	11:54:28
16	Q. And take a look at page 14.	11:54:29
17	A. Okay. (Reviewing document.)	11:54:40
18	Q. On page 14, there's this interrogatory No. 16	11:54:41
19	and the answer to it continues on to the next page,	11:54:56
20	page 15. I just want to make sure I understand what	11:55:02
21	what happened here in the case is I know you	11:55:05
22	changed lawyers at some point. So the way this is	11:55:08
23	written, there's a response to interrogatory 16, and	11:55:12
24	then there's a supplemental response.	11:55:14
25	I just need to ask you whether part of what's	11:55:16

1	in the original response is still accurate or not.	11:55:19
2	Does that make sense? I know you verified the	11:55:21
3	supplemental version. I just need to figure out	11:55:24
4	whether part of what's in the original version	11:55:27
5	A. Okay.	11:55:29
6	Q is still right or not and whether that's	11:55:29
7	still your position.	11:55:30
8	On page 15, starting at line 7, it says,	11:55:31
9	"Notwithstanding this objection, defendants respond	11:55:36
10	as follows: Infowars has not created, sold or	11:55:39
11	distributed any of plaintiff's works or any	11:55:42
12	derivative works of Pepe the Frog."	11:55:44
13	Do you see that?	11:55:48
14	A. Yes.	11:55:49
15	Q. Is that accurate still?	11:55:49
16	A. I mean, I think it's splitting hairs, because	11:55:55
17	we're not doing a work of Pepe the Frog. It was	11:56:03
18	somewhat I didn't make it. And it is a bunch of	11:56:06
19	symbols, more than 20 symbols I said 18; it's more	11:56:11
20	like 20 of things that went on during the	11:56:15
21	campaign.	11:56:18
22	And so that's not us making it about Pepe the	11:56:18
23	Frog. It's a gestalt, like if you take a photo of	11:56:22
24	Manhattan and there's 20 buildings in it, it's not	11:56:26
25	about one of the buildings; it's about the city space	11:56:30
		1

1	you're looking at.	11:56:33
2	So I, again, what line was that?	11:56:34
3	Q. Line 7 through 9.	11:56:39
4	A. Line 7 through 9, "Notwithstanding"	11:56:40
5	(Reviewing document.)	11:56:46
6	I think it's open to interpretation because	11:56:46
7	the issue is we're not selling the thing just of the	11:57:06
8	frog. It was someone else's work they made that's	11:57:09
9	images of things from the campaign in general. So I	11:57:13
10	would not say the work is Pepe the Frog. The work is	11:57:16
11	the campaign and images from the campaign.	11:57:18
12	So depending on how you look at it, it's	11:57:22
13	accurate. But then if I say, yeah, obviously that's	11:57:25
14	Pepe the Frog in the context of the campaign. That	11:57:29
15	little 3 percent of the image or whatever it comes	11:57:32
16	out to is Pepe the Frog.	11:57:34
17	Q. Okay. Thank you. And then I want to ask you	11:57:35
18	about the next sentence, too.	11:57:37
19	It says, "Additionally, the MAGA poster is a	11:57:39
20	highly transformative use of Pepe the Frog placing	11:57:42
21	him into a completely different context and conveying	11:57:46
22	a completely different message than plaintiff's	11:57:50
23	works."	11:57:54
24	You see that sentence; right?	11:57:54
25	A. Yes. I think that's fair to say.	11:57:56

1	Q. What is transformative about how does the	11:57:57
2	MAGA poster transform Pepe the Frog specifically?	11:58:01
3	A. Well, it's a little bit different image.	11:58:04
4	It's original. The expression is different. It's a	11:58:06
5	very small part of it. He's transformed into a	11:58:09
6	landscape of many other figures and architecture and	11:58:13
7	symbols. So it's just a stitch of a larger tapestry,	11:58:18
8	which makes it completely transformative.	11:58:21
9	Q. When you say it's a different image and the	11:58:25
10	image is original, do you mean the image of Pepe is	11:58:29
11	original?	11:58:34
12	A. All of it is original, and the image of the	11:58:34
13	frog is is is original.	11:58:37
14	Q. How what is your basis for believing that	11:58:42
15	the image of the frog is original?	11:58:46
16	A. It wasn't a cut out like the Andy Warhol	11:58:48
17	Campbell Soup ad or Andy Warhol magazine cutouts of	11:58:54
18	Marilyn Monroe or Elvis. That was transformative.	11:58:57
19	He was putting it all together in a collage. There	11:59:00
20	have been court rulings on that.	11:59:04
21	This is even more transformative in that it's	11:59:05
22	an original drawing and painting with Pepe the Frog,	11:59:06
23	if you even see Pepe the Frog people see art	11:59:10
24	different ways put into a larger landscape that he	11:59:11
25	only inhabits maybe 3 percent of.	11:59:14

1	Q. I understand the part about the larger	11:59:18
2	landscape. I'm just trying to understand	11:59:19
3	A. Like a photo of downtown Austin. There was a	11:59:20
4	golden arches, small in the background, and	11:59:23
5	McDonald's said, "You've stolen our image because you	11:59:27
6	took a picture of a city street."	11:59:30
7	See, but if I was, just as a layperson, if I	11:59:34
8	was then had my restaurant and I put golden arches	11:59:38
9	up, that would be clearly violating a trademark and	11:59:42
10	copyright and all the rest of it.	11:59:42
11	But to say I could put a poster up saying	11:59:48
12	McDonald's kills, if I don't like the GMOs and things	11:59:48
13	in their products. I could use that in the image	11:59:52
14	itself to sell the book because it's political	11:59:55
15	speech, and I'm saying McDonald's kills because of	11:59:58
16	its connections to Monsanto and GMO.	12:00:01
17	That's my political speech, the most highly	12:00:05
18	protected form of speech.	12:00:08
19	Q. So I think I understand all that. I want to	12:00:09
20	focus just on whether your view is that just focused	12:00:13
21	on the frog in the MAGA poster, whether that frog is	12:00:16
22	changed in some way from Pepe, whether that is an	12:00:20
23	original creation in some way or not?	12:00:25
24	MR. RANDAZZA: Objection. Which rendition of	12:00:28
25	Pepe are you talking about?	12:00:29

1	MR. TOMPROS: Fair enough.	12:00:30
2	Q. So I think, if I understood your earlier	12:00:31
3	answer correctly, sir, you said that the frog itself	12:00:33
4	is changed. Do you mean that the image of the frog	12:00:37
5	is changed, or that its position in the collage is	12:00:40
6	what makes that change?	12:00:44
7	A. Yes. It is an original rendition of a	12:00:46
8	Pepe-the-Frog-like amphibian who has been transformed	12:00:49
9	by his color. He is now red. He is not green. The	12:00:53
10	shadows, the lips, the eyes are all different.	12:00:56
11	He's he's then in a background of other	12:01:01
12	characters that are a snapshot or gestalt of the 2016	12:01:06
13	presidential campaign. So it's pure political	12:01:10
14	thought and commentary and expression, and the entire	12:01:13
15	thing is transformative.	12:01:17
16	Q. How was the image, the MAGA poster, made?	12:01:19
17	A. Clearly the individual took, I mean	12:01:24
18	MR. RANDAZZA: Objection. Calls for	12:01:30
19	speculation.	12:01:32
20	THE WITNESS: It calls for speculation. I	12:01:32
21	don't know. I know about you can see it's	12:01:34
22	original. It's it took a person drew this.	12:01:36
23	MR. TOMPROS: Q. You think it was drawn	12:01:40
24	rather than, for example, cut and pasted?	12:01:42
25	A. Well, I mean, I've seen the fella's art. I'm	12:01:45

1	an artist myself. And this is original. Part of the	12:01:48
2	originalness is the stoned look. I know photos of	12:01:52
3	all these. These are not photos that have been even	12:01:55
4	posterized. This is original art.	12:01:58
5	Q. Have you talked with Mr. Allen about how he	12:02:01
6	made the poster?	12:02:05
7	A. No, I haven't. I'm familiar with his work.	12:02:07
8	I can see it's original. There's no photos like this	12:02:09
9	of anyone.	12:02:12
10	Q. Is that true for Pepe the Frog, too?	12:02:14
11	A. I mean, clearly this is all original. This	12:02:17
12	is his interpretation of what he was seeing through	12:02:20
13	his political lens as a human being and now	12:02:22
14	expressing, just as ancients did on cave walls.	12:02:27
15	Thank God nobody copy wrote mastodons, we	12:02:31
16	would have had lawyers suing the cave people.	12:02:35
17	Q. That sentence we were talking about a minute	12:02:38
18	ago, I was asking you about the "highly	12:02:44
19	transformative" part. What is strike that.	12:02:47
20	I want to move on to the next part of the	12:02:53
21	sentence. It says, "conveying a completely different	12:02:55
22	message than plaintiff's works." Do you see that?	12:03:01
23	A. Yes.	12:03:04
24	Q. So what message does the poster convey?	12:03:04
25	A. It just conveys the 2016 campaign and symbols	12:03:08
		I .

1	that became associated with it, whereas I looked at	12:03:14
2	Furie's work, from what I've seen, it's let's just	12:03:18
3	say not complicated, almost stick figure-ish. I	12:03:23
4	mean, I would have to say below 70 IQ. I'm not	12:03:30
5	talking about Mr. Furie. What I've seen of his work,	12:03:36
6	it's so like something for two-year-olds, maybe to	12:03:39
7	teach two-year-old children. I don't know.	12:03:44
8	It's like, "I am happy. I am Pepe. Oh,	12:03:45
9	hello." It doesn't even this is totally different	12:03:49
10	than	12:03:52
11	Q. What message does Pepe the Frog convey in	12:03:53
12	Mr. Furie's works in your understanding?	12:03:57
13	A. Lobotomy.	12:04:03
14	Q. What message does Pepe the Frog convey in the	12:04:07
15	MAGA poster in your understanding?	12:04:10
16	A. Just it's not even a message. It's these are	12:04:11
17	characters. These are individuals. These are	12:04:18
18	symbols. These are things that were in 2016. The	12:04:20
19	images of 9/11 would be the Towers, then the invasion	12:04:30
20	of Afghanistan, maybe George Bush, something else.	12:04:35
21	It's just a snapshot of that time.	12:04:41
22	Q. So you have not met Matt Furie; right?	12:04:44
23	A. No.	12:04:47
24	Q. You've never spoken with Matt Furie; right?	12:04:47
25	A. Not that I know of, no.	12:04:49
		1

1	Q. And other than if you count something like	12:04:51
2	lawyers-to-lawyers communication, you've never	12:04:54
3	communicated in any way with Matt Furie; right?	12:04:56
4	A. No.	12:04:59
5	Q. No e-mails, texts, anything like that; right?	12:04:59
6	A. No.	12:05:03
7	Q. If you continue on to that interrogatory	12:05:03
8	No. 16 response, it says, "Plaintiff has stated on	12:05:14
9	numerous occasions that he accepts and even invites	12:05:17
10	others making transformative uses of Pepe the Frog	12:05:21
11	and is even fine with others profiting from these	12:05:25
12	transformative uses."	12:05:28
13	You see that; right?	12:05:29
14	A. Yes. Those are quotes from the Daily Dot.	12:05:29
15	Q. From that Daily Dot article you read?	12:05:32
16	A. M-hm.	12:05:34
17	Q. Has Mr. Furie invited you to profit from a	12:05:34
18	transformative use?	12:05:39
19	A. Yes. He said, "Everyone." "He belongs to	12:05:40
20	everyone." That means everyone on the planet,	12:05:41
21	7.5 billion people. "Everyone" means everyone.	12:05:45
22	Q. Could, in your view, could Mr. Furie ever	12:05:50
23	revoke that grant?	12:05:54
24	A. I'm not a copy	12:05:55
25	MR. RANDAZZA: Objection. Calls for a legal	12:05:58

1	conclusion.	12:05:59
2	THE WITNESS: I I just know this: If I	12:05:59
3	come out for years and say, "Everybody, use this.	12:06:05
4	Please use this," and then people do, then you turn	12:06:07
5	around and say they're bad and act like something has	12:06:10
6	been stolen from you, that sounds like something Dick	12:06:16
7	Dastardly would be doing. Somebody who has got a	12:06:22
8	handlebar moustache, and they're going, "Hee hee	12:06:25
9	hee."	12:06:31
10	MR. TOMPROS: Q. What if you say	12:06:31
11	specifically that people shouldn't use it, and then	12:06:32
12	after some time, you enforce your copyrights. That's	12:06:35
13	appropriate; right?	12:06:40
14	MR. RANDAZZA: Objection. Form.	12:06:41
15	THE WITNESS: Again, Mr. Furie said,	12:06:41
16	"Everyone can use it. It belongs to everyone." That	12:06:51
17	means you're saying it's free to air. It's copyright	12:06:54
18	free. It's digital comments. It's saying,	12:06:58
19	"Popularize this. I want this to be big."	12:07:01
20	And then you you you not only	12:07:04
21	say, "Stop using it," you defame everyone using it by	12:07:11
22	claiming, "I'm the artist, and it's been stolen by	12:07:16
23	white supremacists. And now I'm going to sue Alex	12:07:19
24	Jones to stop its use in that context." That's a	12:07:22
25	huge publicity stunt.	12:07:26

1	I don't know Mr. Furie. I understood what	12:07:29
2	the law firms were doing or the PR firms or John	12:07:31
3	Podesta and that whole plan, but it's a travesty. So	12:07:34
4	that's why I still believe in American justice,	12:07:38
5	and I believe this is all going to come out.	12:07:41
6	Q. You mentioned John Podesta. Who is John	12:07:45
7	Podesta?	12:07:51
8	A. He's Hillary's former campaign head. And	12:07:51
9	he's on record, you know, been quarterbacking these	12:07:56
10	disinformation operations against me and Infowars and	12:08:00
11	Planet A platforms. And then, so the organized straw	12:08:02
12	man being built, and then the whole operation.	12:08:07
13	Q. And what role, if any, does John Podesta have	12:08:10
14	in this lawsuit?	12:08:16
15	A. John Podesta and Hillary Clinton on record	12:08:17
16	made Pepe the Frog a white supremacist icon. They	12:08:21
17	are the ones that said that, gave some 4chan board's	12:08:24
18	attention. They branded it as that. So they can	12:08:27
19	then project it on any Republicans using it.	12:08:30
20	And then they have been on out there on	12:08:33
21	the news and admitting that they then directed law	12:08:36
22	firms she's affiliated with and others to begin to	12:08:40
23	basically beat the bushes to find people to launch	12:08:43
24	lawsuits against Infowars.	12:08:46
25	Q. The statement you mentioned the	12:08:50

1	Anti-Defamation League earlier in this deposition.	12:08:52
2	Do you recall that?	12:08:55
3	A. M-hm.	12:08:56
4	Q. What, if anything, has the Anti-Defamation	12:08:56
5	League said about Pepe the Frog?	12:09:00
6	A. Well, the media acts like the ADL created the	12:09:01
7	planet Earth. If they say up is down, it is. If	12:09:05
8	they say water is not wet anymore if they said	12:09:08
9	water is not anti-Semitic, they would try to bottle	12:09:13
10	the water and shoot it off into space to get it off	12:09:16
11	the earth; it's bad.	12:09:16
12	So again, the ADL comes out and says, "Look	12:09:19
13	at this white supremacist named Pepe the Frog," that	12:09:22
14	in the whole use, I saw it being used everywhere, was	12:09:26
15	being used by all sorts of people. What you do is	12:09:28
16	you brand something you know Republicans are using by	12:09:30
17	pointing at a few unsavory people that are using it,	12:09:34
18	and then you defame the whole mass of people in an	12:09:37
19	attempt to say anyone using this is a white	12:09:41
20	supremacist, so that people that then believe that	12:09:46
21	mainstream media narrative see the frog associated	12:09:46
22	with Trump or whatever, and think, "Oh, my God. This	12:09:49
23	is a white" it's like taking the frog and now	12:09:50
24	saying it's the new swastika. And then complaining	12:09:51
25	when the whole media says it's the new swastika or	12:09:57

1	like Hitler and the mustache, you you you	12:10:01
2	breathe the life into it, the Democratic party and	12:10:04
3	mainstream media saying this, and then apply that	12:10:11
4	projection onto your political enemies.	12:10:14
5	Q. I just want to make sure I understand. I	12:10:26
6	think I understand all of that. I want to make sure	12:10:29
7	I have the facts straight, though.	12:10:31
8	What, in your understanding, has the	12:10:33
9	Anti-Defamation League said about Pepe the Frog?	12:10:36
10	A. That it's a white supremacist symbol.	12:10:39
11	Q. And you mentioned the Clinton campaign	12:10:41
12	earlier. What, if anything, has the Clinton campaign	12:10:45
13	said about Pepe the Frog?	12:10:48
14	A. That it's a white supremacist symbol.	12:10:49
15	Q. Was the statement by the Anti-Defamation	12:10:53
16	League made before or after the beginning of the	12:10:55
17	sales of the posters, the MAGA poster?	12:10:58
18	A. I think you showed me an article earlier that	12:11:01
19	was done months before.	12:11:04
20	Q. And the same is true for the statement from	12:11:05
21	the Clinton campaign, that was obviously before the	12:11:09
22	election and therefore before the sales	12:11:13
23	A. I think it was right before the election,	12:11:14
24	yeah. So, like I said, they say it, and that means	12:11:17
25	if you use it, you are. That's attributing God-like	12:11:21

1	powers to these people. I guess New York Times did	12:11:26
2	say 98 percent chance Hillary wins. So you know.	12:11:30
3	That's called megalomania.	12:11:34
4	They also say if you say "nation" or	12:11:45
5	"nationalist," it's evil.	12:11:47
6	Q. To be abundantly clear, you've never heard	12:12:03
7	from anyone representing Matt Furie that Infowars	12:12:07
8	specifically has the right to sell anything that has	12:12:11
9	Pepe on it; right?	12:12:14
10	A. Yes. So Matt Furie told a major newspaper	12:12:15
11	and other publications that I've run into that, "Pepe	12:12:19
12	belongs to the World. Everyone can use it. It	12:12:23
13	belongs to you. It belongs to everyone." That means	12:12:25
14	everyone.	12:12:26
15	When someone says, "Everyone use it. It	12:12:27
16	belongs to you. It belongs to everyone. Use it	12:12:29
17	however you want, whatever group you are" in fact,	12:12:31
18	I remember the quotes were almost like, "Doesn't	12:12:34
19	matter who are, I don't care." "Well, what if the	12:12:36
20	Nazi's are using it?" "That's okay. He belongs to	12:12:38
21	everyone. He's loving."	12:12:39
22	So "everyone" means everyone.	12:12:39
23	Q. So your understanding is that Mr. Furie made	12:12:42
24	statements that even if the Nazis are using Pepe,	12:12:44
25	it's okay?	12:12:47
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1	A. I haven't read that article in awhile. I	12:12:48
2	think that's somewhere around here. Pull it up if	12:12:50
3	you want. That's my best recollection.	12:12:53
4	Q. Focusing on the poster itself, what	12:12:56
5	commentary does that poster make about the history of	12:13:10
6	the United States?	12:13:14
7	A. I think it's a commentary that this is some	12:13:14
8	of the group of people that helped Donald Trump win	12:13:24
9	the presidency in 2016.	12:13:28
10	Q. What commentary, if any who role in that	12:13:31
11	commentary does the use of Pepe the Frog play?	12:13:33
12	A. Pepe the Frog was and became a issue in the	12:13:37
13	campaign. And so it's I think it's honest to put	12:13:42
14	him or this frog-like creature in the image.	12:13:50
15	I can't believe all these frogs and stuff.	12:14:04
16	It's just ridiculous.	12:14:05
17	Q. Could you take a look, sir, at Exhibit 19?	12:14:06
18	A. Yes, sir.	12:14:10
19	Q. I think it's in your stack there, too.	12:14:10
20	A. 19.	12:14:13
21	(Plaintiff's Exhibit No. 19 was previously	12:14:13
22	marked for identification.)	12:14:13
23	MR. TOMPROS: Q. There's a document. On the	12:14:15
24	front says, "Defendant Free Speech Systems, LLC's	12:14:17
25	Amended Answer to Plaintiff Matt Furie, Second	12:14:20
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1	Amended Complaint for Copyright Infringement."	12:14:22
2	Do you have that in front of you?	12:14:24
3	A. Yes.	12:14:26
4	Q. For the record, at the top, it says the case	12:14:26
5	number and says, "Document 69, Filed 11/02/18";	12:14:29
6	right?	12:14:34
7	A. Yep, yes.	12:14:34
8	Q. If I could ask you to look at paragraph 11 of	12:14:35
9	this Amended Answer.	12:14:41
10	A. Okay.	12:14:42
11	Q. It says in that paragraph that's the wrong	12:14:42
12	one. That's denied. Sorry about that. I need you	12:14:49
13	to go to the defenses in the back and look at page 12	12:14:57
14	of the Amended Answer.	12:15:00
15	On page 12 of the Amended Answer, there's a	12:15:11
16	paragraph 11 there. Do you see that?	12:15:14
17	A. Yes.	12:15:15
18	Q. It says "Graphical historical commentary had	12:15:15
19	a longstanding Western tradition ranging from the	12:15:19
20	Bayeux tapestry to using thumbnails of Grateful Dead	12:15:24
21	posters to chart the band's cultural history."	12:15:30
22	A. Yes.	12:15:32
23	Q. Did you write that paragraph?	12:15:32
24	A. (Reviewing document.) I remember talking	12:15:38
25	about it with lawyers.	12:15:41

		1
1	Q. Okay. What is the Bayeux tapestry?	12:15:42
2	A. These are just examples of historical	12:15:46
3	commentary on Western tradition and how different	12:15:49
4	things that happened at the time, kind of like if you	12:15:53
5	go into a place, a bar, and there's a bunch of bottle	12:15:54
6	caps or maybe street signs, and people put them	12:15:58
7	together into art. That's what that is.	12:16:02
8	Q. Infowars doesn't sell anything related to the	12:16:04
9	Bayeux tapestry; right?	12:16:10
10	A. No. That was a historical example in context	12:16:11
11	of precedent.	12:16:14
12	Q. Same thing with the Grateful Dead, Infowars	12:16:15
13	doesn't sell anything with thumbnails of Grateful	12:16:18
14	Dead albums; is that right?	12:16:21
15	A. No, we don't.	12:16:24
16	Q. Paragraph 12 right under that says, "'Meming'	12:16:25
17	is transformative, as it comments upon key insights	12:16:26
18	using graphics, an increasingly preferred means of	12:16:29
19	communication, as readers move away from text."	12:16:34
20	Do you see that?	12:16:38
21	A. Yes. That's true.	12:16:39
22	Q. My question is, what is "meming"?	12:16:39
23	A. It's basically going back to the most ancient	12:16:41
24	forms of language, cuneiform, Sanskrit and cave	12:16:46
25	drawings that humans are communicating by creating	12:16:50
		1

1	collages of pictures or images, and then	12:16:54
2	personalizing those in human communication, that the	12:16:57
3	EU is trying to ban. Language, it is under attack by	12:17:05
4	our good friends: The Left. Just like 1984.	12:17:12
5	Q. Sorry, I didn't understand the last part.	12:17:16
6	The EU is trying to ban what? Meming?	12:17:19
7	A. Yeah. The EU is trying to band meming.	12:17:22
8	You remember 1984, Eric Blair wrote. Eric	12:17:22
9	Blair George Orwell wrote about how the Fabian	12:17:29
10	socialists wanted to shrink the language in Ingsoc.	12:17:32
11	He was actually a head Fabian socialist, worked for	12:17:36
12	OSS and MI6. He was actually warning people about	12:17:38
13	the real plan to actually attack and reduce language,	12:17:41
14	which we're now witnessing right now.	12:17:44
15	It's really fascinating.	12:17:58
16	Q. If you look at paragraph 15 of the Amended	12:18:01
17	Answer, it says, "Given that Pepe the Frog was a key	12:18:09
18	figure in the 2016 election, it was proper and	12:18:12
19	necessary to include Pepe as a figure when	12:18:15
20	illustrating the key figures in the election."	12:18:17
21	Do you see that?	12:18:20
22	A. Yes.	12:18:21
23	Q. Why was it necessary to include Pepe?	12:18:21
24	A. Because it was a popular symbol in the 2016	12:18:23
25	tapestry or gestalt or ambient background.	12:18:30

1	Q. Was the "okay" symbol a symbol that was part	12:18:37
2	of the ambient background for the 2016 election?	12:18:42
3	A. I don't think it rose to that level, but	12:18:46
4	that's up to the artist.	12:18:51
5	Q. So was it or was it not necessary to include	12:18:53
6	Pepe in this poster?	12:18:57
7	A. I think that's up to the artist's eye. I	12:18:58
8	think that's reasonable.	12:19:03
9	Q. El Sapo Pepe, what is that?	12:19:04
10	A. Is that the toad? Oh, the precursor to Pepe.	12:19:11
11	I don't know. In Latin America, there's a lot of	12:19:19
12	frogs and toads called Pepe. It's a popular thing.	12:19:22
13	Q. Was El Sapo Pepe a key figure in the 2016	12:19:24
14	election?	12:19:29
15	A. I don't believe so. People believe Pepe is	12:19:29
16	actually Pepe the Frog is a distillate of Pepe the	12:19:33
17	Toad.	12:19:38
18	Q. Was the Warner Brothers frog a key figure in	12:19:38
19	the 2016 election?	12:19:41
20	A. No, I would not say that.	12:19:43
21	Q. Was the Kermit the Frog a key figure in the	12:19:45
22	2016 election?	12:19:51
23	A. No.	12:19:52
24	Q. You mentioned meming earlier. Is the poster,	12:19:53
25	that's Exhibit 5 here, the poster that is subject to	12:20:01
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1	dispute, the MAGA poster, is the MAGA poster an	12:20:05
2	example of meming?	12:20:07
3	A. Yes.	12:20:09
4	Q. How so?	12:20:09
5	A. It's a bunch of images together that	12:20:10
6	basically form a visual sentence or visual statement.	12:20:13
7	It's symbols, images in a string being a form of	12:20:22
8	human communication.	12:20:30
9	Q. The focusing again on MAGA poster,	12:20:30
10	Exhibit 5, the only fictional character in that	12:20:46
11	poster is Pepe the Frog; right?	12:20:49
12	A. Let me take a look. I mean, there's a	12:20:51
13	fictional flag that's been drawn in tatters. But the	12:21:16
14	flag is real. It's a symbol. There's a Capital.	12:21:22
15	It's not a real photo of the Capital; it's a drawing.	12:21:25
16	I think that's open the interpretation. It's it's	12:21:29
17	open to your interpretation.	12:21:34
18	Q. Would the poster have the same message if	12:21:40
19	Pepe were not included?	12:21:43
20	A. I don't think so. It would be a different	12:21:45
21	poster.	12:21:47
22	Q. What how would the message be different?	12:21:48
23	A. It would not be the vision of the artist.	12:21:52
24	Q. The poster is called the MAGA poster; right?	12:22:06
25	A. Yes.	12:22:07

1	Q. Why is it called the MAGA poster?	12:22:07
2	A. I think the artist is saying these are people	12:22:09
3	who are helping to make America great again.	12:22:13
4	Q. Why was it not called the Pepe poster?	12:22:18
5	A. Because Pepe is a very small part of it.	12:22:21
6	It's the whole poster together that's saying America	12:22:27
7	is in tatters, but these people want to make it great	12:22:30
8	again. These people are symbols or these things	12:22:34
9	are symbols of that process.	12:22:37
10	MR. TOMPROS: It's a pretty good time to take	12:22:56
11	a break. We need to change the tape.	12:22:58
12	THE VIDEOGRAPHER: This marks the end of	12:23:00
13	media No. 1 in the videotaped deposition of David	12:23:02
14	Jones [sic]. We are going off the record at 12:23.	12:23:06
15	THE WITNESS: Alex Jones.	12:23:15
16	(Discussion off the record.)	12:23:15
17	THE VIDEOGRAPHER: Just to make sure, on the	12:23:36
18	record. It's the end of the deposition of Alex	12:23:38
19	Jones.	12:23:50
20	(Recess taken: 12:23 p.m 12:33 p.m.)	12:23:50
21	THE VIDEOGRAPHER: This is the beginning of	12:33:09
22	the media No. 2 of the videotaped deposition of Alex	12:33:20
23	Jones. We're back on the record. The time is 12:33.	12:33:24
24	(Plaintiff's Exhibit No. 26 was marked for	12:33:24
25	identification.)	12:33:27

1	MR. TOMPROS: Q. All right, Mr. Jones.	12:33:27
2	You've been handed what has been marked as Exhibit	12:33:28
3	No. 26. It's another transcript of another of	12:33:32
4	your videos after the lawsuit was filed.	12:33:40
5	Do you have that in front of you?	12:33:42
6	A. Yes, sir.	12:33:45
7	Q. Let's just walk through a few of the key	12:33:46
8	parts of those, and then I'll have some questions	12:33:51
9	about them.	12:33:51
10	So you start on page 2 by saying, "They're	12:33:53
11	trying to bully us into submission. That's what this	12:33:54
12	whole thing is, for people to see an example of	12:33:57
13	Infowars with all these anti-free speech people	12:34:00
14	piling on and suing us and attacking us and attacking	12:34:05
15	our sponsors and attacking us publishing books."	12:34:08
16	Do you see that.	12:34:11
17	A. Yes.	12:34:11
18	Q. The "they" there is who?	12:34:11
19	A. No lawsuits until Hillary loses, and then a	12:34:14
20	bunch of Democrat law firms filing suits against us.	12:34:18
21	And all over the news, they brag, "The new	12:34:23
22	platforming worked well." And even though the	12:34:26
23	lawsuits aren't real, it just helps put out that	12:34:28
24	defamation to then set the foundation for the	12:34:32
25	platforming.	12:34:35

1	Q. And then in this section, it says "attacking	12:34:36
2	our sponsors." What does that mean?	12:34:40
3	A. Harassing, threatening our sponsors. This	12:34:43
4	isn't specifically talking about Furie. It is	12:34:48
5	talking about the whole constellation of things that	12:34:49
6	are going on.	12:34:53
7	Q. There are Infowars does, in fact, have	12:34:54
8	certain sponsors; right?	12:34:59
9	A. Yes.	12:35:00
10	Q. There are other sponsors that do not want to	12:35:01
11	be affiliated with Infowars for various reasons;	12:35:04
12	right?	12:35:06
13	A. There are sponsors that get harassed by CNN	12:35:06
14	programs talking about their product being advertised	12:35:10
15	here. Or major harassment campaigns, they're all	12:35:13
16	over the news, to go after and take our sponsors	12:35:16
17	away.	12:35:19
18	Q. So some sponsors prefer not to have an	12:35:20
19	affiliation with Infowars, for better or worse;	12:35:24
20	right?	12:35:27
21	A. Yes.	12:35:27
22	Q. That is and is it also true that Infowars	12:35:27
23	would prefer not to have affiliations with certain	12:35:35
24	entities, for better or worse? For example, would	12:35:38
25	Infowars advertise on CNN?	12:35:42
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1	A. If it was effective, I might.	12:35:44
2	Q. Are there entities that Infowars would not	12:35:47
3	want to partner with because of the political message	12:35:50
4	of those entities?	12:35:53
5	A. Sure. Like NAMBLA.	12:35:54
6	Q. Got it.	12:35:57
7	And so there are some entities that Infowars	12:35:58
8	would not want to partner with; there are some	12:36:00
9	entities that might not want to partner with	12:36:03
10	Infowars?	12:36:05
11	A. But it's different if you say, "This symbol	12:36:05
12	is free to air, everyone use it, Pepe belongs to the	12:36:09
13	World," and then you, years later, you sue someone	12:36:11
14	because in a larger transformative work, 3 percent of	12:36:14
15	the image is something that might be that frog,	12:36:16
16	that's just totally different.	12:36:18
17	I get people's right to not spend money	12:36:20
18	places or to spend money places. But to say that	12:36:22
19	because capture the flag, someone is using a symbol	12:36:26
20	that you said was free to use is not fair. It's	12:36:29
21	certainly not fair to say, "White supremacists have	12:36:33
22	taken it over. That's why we're suing Alex Jones to	12:36:36
23	take it back."	12:36:39
24	That's clearly about putting "Alex Jones,	12:36:40
25	white supremacist," all over the news. I don't know	12:36:43
		I

1	if Mr. Furie was involved in that, but that was the	12:36:45
2	whole PR purpose of it.	12:36:47
3	Q. So I want I understand your position on	12:36:49
4	those things. Set those aside and just talk about	12:36:54
5	the question of whether affiliation of one product or	12:36:57
6	service with another product or service can be	12:37:02
7	beneficial or harmful.	12:37:05
8	And so let's assume that ultimately a jury	12:37:08
9	concludes that Mr. Furie did have rights in Pepe that	12:37:14
10	he did not give up. It would he would have an	12:37:18
11	economic benefit by associating Pepe with some	12:37:22
12	partners and not others; correct?	12:37:29
13	MR. RANDAZZA: Objection. Calls for	12:37:31
14	speculation. Objection. Form of the question.	12:37:32
15	MR. TOMPROS: Q. Go ahead, if you	12:37:36
16	understand.	12:37:37
17	A. Ask the question again. I got confused.	12:37:37
18	Q. Yeah. So I understand you have a series of	12:37:47
19	positions this was not copyright infringement at all,	12:37:52
20	and Mr. Furie does not have any rights. I understand	12:37:56
21	all that. Okay.	12:37:58
22	My question is: Assuming he does have	12:37:59
23	rights, is there an economic benefit to him	12:38:02
24	associating Pepe the Frog with some entities and not	12:38:07
25	with others?	12:38:11

1	MR. RANDAZZA: Objection. Calls for	12:38:12
2	speculation. Objection. Form of the question.	12:38:14
3	THE WITNESS: What was done is say, "Use my	12:38:16
4	image everywhere. It belongs to you. I don't care	12:38:21
5	who you are. He belongs to everybody. He loves	12:38:24
6	everybody," and then to later as a business model sue	12:38:28
7	people who have used it in any way, that's the real	12:38:31
8	business model that played out in the real world, not	12:38:34
9	a speculative one. That's actually what happened.	12:38:36
10	And so to speculate about how he has better	12:38:40
11	value here and better value there, I would say	12:38:45
12	overall, it being a firestorm image on all sides of	12:38:47
13	the campaign, it was more publicity than ever. And	12:38:52
14	it was simply another act of publicity to then use	12:38:56
15	the publicity around it to defame everyone using it	12:38:59
16	as white supremacist, and then painting himself as a	12:39:05
17	victim, whereas, the real victim is somebody that is	12:39:08
18	told "use this, it belongs to everybody," and then	12:39:11
19	it's a tiny bit of a larger political image	12:39:13
20	classically protected under fair use in a completely	12:39:16
21	transformative work, it's just, it's like "Bizarro	12:39:20
22	World." It's upside-down world. Everything that	12:39:24
23	Furie says has happened to him has happened to me.	12:39:27
24	It's just outrageous.	12:39:30
25	Q. Do you know whether Mr. Furie ever licensed	12:39:32

1	Pepe the Frog to anyone?	12:39:37
2	A. I remember reading, when I looked into it	12:39:37
3	once I got sued, that he had recently done some	12:39:43
4	licensing.	12:39:46
5	Q. Do you know whether he did licensing before	12:39:46
6	the 2015 article that you referred to?	12:39:48
7	A. I don't know. But that sounds to me like	12:39:50
8	just on the face, that he's ignorant fraud. To say,	12:39:55
9	"Everyone can use it, it's free to air, I relinquish	12:39:59
10	this, please use it," and then later go license it to	12:40:02
11	people, I wouldn't make a statement like that and	12:40:07
12	then go license something to somebody.	12:40:09
13	Q. Do you know whether he licensed it after that	12:40:11
14	article?	12:40:15
15	A. I believe the articles I saw is that he	12:40:15
16	licensed it during the campaign or something. I'm	12:40:17
17	going from memory. I shouldn't say.	12:40:20
18	Q. Do you know whether Mr. Furie has ever been	12:40:22
19	unsuccessful in obtaining revenue for Pepe as a	12:40:28
20	result of Pepe's affiliation with entities with whom	12:40:33
21	which Mr. Furie disagrees?	12:40:37
22	A. I don't know about that. But the real	12:40:39
23	branding of Pepe the Frog, everybody I know, is the	12:40:41
24	new swastika was done when Hillary Clinton and the	12:40:44
25	ADL deemed it as that.	12:40:49

1	Q. Do you know whether Pepe the Frog's	12:40:51
2	affiliation with Infowars has caused Mr. Furie to	12:41:02
3	lose revenue?	12:41:07
4	A. That's all up to his claims of	12:41:08
5	interpretation. No one it didn't even get the	12:41:10
6	attention we were selling the poster. The poster	12:41:15
7	was, of all products we sell, about the worst failure	12:41:17
8	ever. And I try not to embarrass the poster when I	12:41:21
9	say, "It's not our best seller, but it was okay."	12:41:25
10	No, it was terrible. And so it wasn't even on the	12:41:28
11	radar.	12:41:31
12	My name was used to further boost Pepe in a	12:41:32
13	rebranding to then basically brand me as a white	12:41:36
14	supremacist, which I'm not, and then use my name to	12:41:41
15	brand Pepe's this, you know, wondrous creature,	12:41:44
16	amphibian that belongs to Matt Furie.	12:41:49
17	Q. You believe that copyrights are important;	12:41:53
18	right?	12:41:56
19	A. I do believe in intellectual property rights.	12:41:56
20	Q. You, yourself, have spoken on the importance	12:41:59
21	of copyrights; correct?	12:42:01
22	A. In their classic common law context. I don't	12:42:02
23	believe that McDonald's should have sued the McDonald	12:42:07
24	family that has had an inn in a castle for 500 years	12:42:09
25	because they were using their name "McDonald" at	12:42:14

1	their inn. That's abusive.	12:42:15
2	And I think Disney going after a daycare that	12:42:16
3	had some Disney characters on the wall that they	12:42:19
4	bought and put up for kids, I think that's asinine.	12:42:22
5	I think some of the big UN and EU treaties	12:42:26
6	we've been seeing, the TPP, the global legislation	12:42:30
7	that would claim that putting a link of just text to	12:42:33
8	an article is copyright infringement. So then	12:42:37
9	copyright is now becoming an anti-free speech	12:42:40
10	bludgeon, as we see in this case, I would have to say	12:42:43
11	in the history of copyright law abuse is at the very	12:42:45
12	vanguard.	12:42:49
13	Q. Let's take a look again just to make sure	12:42:50
14	I got the answer to my prior question. You have, in	12:43:02
15	fact, spoken about the importance of copyrights;	12:43:05
16	true?	12:43:07
17	A. And it not being abused by people like China	12:43:07
18	who totally ignore it on one end of the spectrum or	12:43:10
19	copyright trolls in the United States and Europe that	12:43:15
20	absolutely abuse it. So you got you guys on the	12:43:17
21	extreme of copyright trolls, okay, of that tiering,	12:43:19
22	and then you've China on the other side.	12:43:23
23	China doesn't recognize any of it; you guys	12:43:25
24	use it as a system to attack free speech.	12:43:28
25	Q. Mr. Furie is a copyright troll in your	12:43:30

1	opinion?	12:43:33
2	A. I think he's the very definition, yeah. When	12:43:33
3	you say, "Use this, use it, use it," and you find out	12:43:36
4	there's all these Pepes already in Latin America, and	12:43:39
5	then, "Oh, please, it belongs to you," then you use	12:43:41
6	it, and then he sues you, yeah, I think he's maybe	12:43:45
7	he doesn't know it. Maybe he's been manipulated by	12:43:47
8	trolls. I would say Matt Furie is we ought to	12:43:51
9	have a new troll creature named named Mr. Furie.	12:43:53
10	I mean, that would be a new character to come up.	12:43:57
11	Q. So let me ask you again to look at Exhibit	12:44:00
12	No. 26, the transcript that we were looking at, and	12:44:05
13	if you could look at page 3, starting on line 6, at	12:44:08
14	the end of the line 6, it says, "A new lawsuit was	12:44:15
15	filed yesterday by the name who claims he has the	12:44:18
16	trademark for Pepe the Frog claiming I infringed on	12:44:22
17	it when we don't even use the frog as a symbol or	12:44:25
18	promote it."	12:44:29
19	Do you see that?	12:44:30
20	A. Yes.	12:44:30
21	Q. It says, "But we did sell a poster, an art	12:44:30
22	poster that a listener made titled 'Make America	12:44:34
23	Great Again.'"	12:44:34
24	That's the poster that we're talking about in	12:44:34
25	this case; right?	12:44:41

1	A. Yes.	12:44:41
2	Q. "That had a bunch of images of symbols that	12:44:41
3	were popular during the campaign and are part of	12:44:42
4	popular culture and completely protected by fair	12:44:45
5	use." That's your understanding of the situation at	12:44:50
6	the time you made the statement?	12:44:53
7	A. Yes.	12:44:54
8	Q. You go on to say, "It's like saying you can't	12:44:54
9	paint a picture of John Wayne or you can't paint a	12:44:57
10	picture of Abraham Lincoln."	12:45:00
11	You see that?	12:45:02
12	A. Yes.	12:45:02
13	Q. John Wayne was a real person; right?	12:45:02
14	A. M-hm.	12:45:04
15	Q. Abraham Lincoln was a real person?	12:45:05
16	A. M-hm.	12:45:07
17	Q. And Pepe the Frog is not a real person;	12:45:07
18	right?	12:45:10
19	A. Yes.	12:45:10
20	Q. And then it says, "You can't paint a picture	12:45:10
21	of Axel Rose." Axel Rose is a real person; right?	12:45:13
22	A. Yes. But I would argue you can paint a	12:45:17
23	picture of Bugs Bunny as long as it's in a larger	12:45:20
24	context of, say, about your childhood as long as you	12:45:24
25	didn't start coming out with a whole line of Bugs	12:45:26

1	Bunny products.	12:45:31
2	Q. Could you paint a picture of Bugs Bunny with	12:45:31
3	a swastika?	12:45:34
4	A. That would be protected under free speech.	12:45:35
5	Q. And you could sell Bugs Bunny swastika	12:45:38
6	merchandise?	12:45:42
7	A. I think you would get into issue with that	12:45:42
8	because it would be merchandise just about Bugs	12:45:45
9	Bunny, not an overall gestalt of the tapestry of what	12:45:47
10	happened in a campaign.	12:45:50
11	Like, if Mr. Furie my understanding the	12:45:53
12	main of reasonable copyright and trademark law in	12:45:57
13	this country is if Furie hadn't said, "Anybody can	12:46:02
14	use this, it's yours," and if it wasn't clear in	12:46:04
15	Latin America there's not just Pepe the Toad, there's	12:46:07
16	a bunch of frogs called Pepe, and then if he had	12:46:10
17	defended it on earlier, then if someone starting	12:46:17
18	putting out frogs that looked just the same, plush	12:46:20
19	golds, whatever for kids, or little plastic toys,	12:46:24
20	then he could defend that and say, "You're taking my	12:46:28
21	merchandise. I defended it."	12:46:32
22	But you can't then say everyone can use it,	12:46:34
23	and if someone uses it in a gestalt talking about a	12:46:37
24	campaign is guilty of copyright infringement, that's	12:46:41
25	completely unfair.	12:46:46

1	If he defended his copyright early on and not	12:46:47
2	said it was to the whole world, and you could prove	12:46:50
3	it up and do that, and then we were selling a line of	12:46:53
4	things directly competing with it, it would be	12:46:58
5	cut-and-dry we were violating his copyright. But we	12:47:02
6	weren't.	12:47:05
7	He had said, "Use this, the whole world can	12:47:06
8	use it," so they did. Then we just have an artist	12:47:08
9	thing about stuff in the campaign. It's not Pepe	12:47:10
10	merchandise. It's not all about Pepe. He's a very	12:47:12
11	small part of it. It's a symbol in the cultural	12:47:15
12	landscape. It's been all over the news.	12:47:20
13	I mean, it's that simple.	12:47:22
14	So if there's any justice in America, it's	12:47:26
15	going to come out that this has all just been a	12:47:31
16	vehicle to imply that I have stolen things, and that	12:47:35
17	I'm promoting a white supremacist image. Which it's	12:47:38
18	not white supremacist, because some idiot white	12:47:40
19	supremacists have used it.	12:47:43
20	The corporate media is what made it white	12:47:46
21	supremacist, and successfully branded it partially as	12:47:48
22	that. And it's all been projected onto me and my	12:47:51
23	family, and it's not fair. It's an abuse of process.	12:47:55
24	It's an abuse of the law. And it has to be met.	12:47:58
25	Q. Why did you stop selling the poster?	12:48:02

1	A. Because it wasn't selling. So, I mean,	12:48:06
2	obviously if I'm fighting to have the right to use	12:48:12
3	it, then I would keep selling it. But it doesn't	12:48:15
4	sell. You can't give them away. It's ancient	12:48:19
5	history.	12:48:27
6	That's how Furie keeps his name in the news,	12:48:27
7	is then, after the fact, trying to get it back out	12:48:30
8	there. And now make it a leftist totem so that	12:48:37
9	leftists will go like capture the flag and run around	12:48:41
10	celebrating, waving it in the air.	12:48:46
11	It's all very cynical. I don't do business	12:48:48
12	that way.	12:48:51
13	Q. So you could continue to sell the poster if	12:48:52
14	you chose to you, but you choose not to for business	12:48:56
15	reasons?	12:48:59
16	A. Well, it hasn't been decided by a court of	12:48:59
17	law yet. If a court ruled I couldn't sell it and	12:49:05
18	it's a best seller, I wouldn't sell it anymore. It's	12:49:05
19	a dead letter. So if the court ruled I could use it,	12:49:08
20	I probably wouldn't use it. Or I might put out a	12:49:12
21	one-off joke shirt saying, "We took back Pepe."	12:49:13
22	I don't like it. It's been tainted by the	12:49:15
23	white supremacist crap, mainly by Hillary and the	12:49:18
24	ADL. It's been it's been it's been once it	12:49:21
25	was turned into this symbol by MSM, it was then used	12:49:25

1	as a weapon against me.	12:49:31
2	Let's just say I don't have good feelings	12:49:32
3	about Pepe.	12:49:34
4	Q. Prior to this lawsuit, did you speak with	12:49:42
5	anyone about Matt Furie?	12:49:59
6	A. I think we've talked I don't remember. We	12:50:00
7	talked about Hillary Clinton and how ridiculous it	12:50:15
8	was trying to say it was a white supremacist symbol.	12:50:20
9	Q. When Infowars was selling the MAGA poster,	12:50:23
10	you didn't place any geographic limits on where they	12:50:44
11	could be sold; right?	12:50:48
12	A. I don't know.	12:50:52
13	Q. Do you have any reason to think they were	12:50:52
14	excluded, for example, from California?	12:50:54
15	A. Whatever, Prop 65 or something? I don't	12:50:56
16	know.	12:51:02
17	Q. Did I'll represent to you that there are	12:51:02
18	reviews on the website purporting to come from	12:51:07
19	California. My only question is: Do you have any	12:51:11
20	reason to think that the MAGA poster was not sold to	12:51:13
21	recipients in California?	12:51:17
22	A. I don't think we're fighting the jurisdiction	12:51:18
23	in California; are we?	12:51:20
24	Q. I don't think so either. I just would like	12:51:20
25	to make sure I have gotten the jurisdiction in	12:51:21

1	California locked down.	12:51:22
2	A. Yeah, man. We sold the thing in the Republic	12:51:23
3	of California.	12:51:26
4	Q. Okay. You have been the subject of negative	12:51:27
5	press attention in the past; right?	12:51:33
6	A. M-hm.	12:51:36
7	Q. Infowars specifically has been the subject of	12:51:36
8	negative press attention; correct?	12:51:41
9	A. M-hm, yes.	12:51:43
10	Q. Thank you.	12:51:44
11	Infowars has also been the subject of	12:51:53
12	litigation in other matters that has received press	12:51:55
13	attention; correct?	12:51:58
14	A. Yes. Right after Hillary lost the election,	12:51:59
15	the floodgates opened.	12:52:02
16	Q. So the two defendants in this case are Free	12:52:10
17	Speech Systems, LLC, and Infowars, LLC?	12:52:14
18	A. Yes.	12:52:16
19	Q. What is Free Speech Systems, LLC?	12:52:17
20	A. I mean, I had like CPAs and corporate lawyers	12:52:19
21	set up the structure. So I'm not really good I'm	12:52:28
22	only focused on the news and things like that. I'm	12:52:32
23	not very good. I don't want to misspeak. But I	12:52:34
24	think I think Free Speech Systems is the main	12:52:39
25	company. And then Infowars is the subcompany. I'm	12:52:41
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1	not sure. I don't want to misspeak.	12:52:46
2	Q. Is it accurate to say that Dr. David Jones	12:52:47
3	would know better what the corporate structure looks	12:52:49
4	like than you would?	12:52:52
5	A. Yes.	12:52:53
6	Q. Do you know whether Infowars, LLC, is an	12:52:53
7	intellectual property holding company?	12:53:01
8	A. I don't know.	12:53:03
9	Q. M-hm. Do you know whether Infowars, LLC, in	12:53:08
10	fact owns any intellectual property?	12:53:11
11	MR. RANDAZZA: Objection. Relevance.	12:53:12
12	THE WITNESS: I mean, here's the thing, I	12:53:14
13	really have been trying to answer your questions	12:53:17
14	honestly on these areas. I don't want to say	12:53:21
15	something wrong. Gives me a headache when I meet	12:53:24
16	with the lawyers. I have good lawyers on like	12:53:26
17	corporate stuff, and we have the simplest things set	12:53:29
18	up, and I can't understand it.	12:53:32
19	MR. TOMPROS: Q. I understand. It's	12:53:34
20	absolutely fine if the answer is you don't know or	12:53:37
21	you're not sure. That's fine. If you do know, I	12:53:39
22	want to know.	12:53:42
23	A. Okay.	12:53:43
24	Q. Do you know whether Infowars, LLC, owns any	12:53:43
25	intellectual property?	12:53:47
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1	A. I don't want to answer wrong. I don't know.	12:53:48		
2	Q. Okay. Do you know who would know?	12:53:53		
3	A. I mean, I think we would have to consult CPAs	12:54:04		
4	and lawyers to answer those things correctly.	12:54:13		
5	Q. By "CPAs and lawyers," you mean CPAs and	12:54:15		
6	lawyers that work for you?	12:54:20		
7	A. Yes.	12:54:22		
8	Q. Internal people or outside people?	12:54:22		
9	A. Outside.	12:54:24		
10	Q. Who would know the people to contact? Within	12:54:24		
11	Infowars, who would know who to contact on the	12:54:27		
12	outside?	12:54:30		
13	A. I mean, I guess my dad or me. I don't know	12:54:30		
14	what that has to do with the intellectual property			
15	case.	12:54:36		
16	Q. Do you know is your company called	12:54:36		
17	Magnolia Holdings Limited Partnership, do you know	12:54:45		
18	anything about that?	12:54:49		
19	A. I've heard that name.	12:54:50		
20	Q. Do you know what it is?	12:54:51		
21	A. No.	12:54:52		
22	Q. Do you know if it's part of Free Speech	12:54:53		
23	Systems?	12:54:58		
24	MR. RANDAZZA: Objection. Relevance.	12:54:58		
25	THE WITNESS: A lot of this is like you make	12:54:58		

1	a new film, back when I made films, you are supposed	12:55:02		
2	to create a new thing for that for profits and	12:55:06		
3	losses, and there's a bunch of stuff. That sounds	12:55:08		
4	like that's 20 years old or something. I don't	12:55:10		
5	remember signing any checks for that in a long time.	12:55:13		
6	MR. TOMPROS: Q. I'll represent to you	12:55:15		
7	there's a corporate filing I'm happy to show it to	12:55:22		
8	you, if you want, for Infowars, LLC, that names you	12:55:26		
9	as names Alex Jones as the manager.	12:55:27		
10	That would be you; right? There's not	12:55:31		
11	another Alex Jones?	12:55:33		
12	A. That's me.	12:55:35		
13	Q. You know, sir, I think we can wrap up	12:55:57		
14	shortly. I just want to make sure I got your	12:56:00		
15	background and employment, and then I'm going to be	12:56:03		
16	done, and we may be able to finish up.			
17	A. Great.	12:56:05		
18	Q. So could you please describe your educational	12:56:08		
19	background since high school?	12:56:10		
20	A. About a year and a half at community college.	12:56:12		
21	Q. What community college was that?	12:56:15		
22	A. ACC, Austin Community College.	12:56:17		
23	Q. What is your current employment?	12:56:21		
24	A. Manager at Infowars.	12:56:22		
25	Q. What is what do you characterize as part	12:56:27		

1	of Infowars? Is that just the broadcast? Is it the	12:56:32
2	store? When you talk about "Infowars," what do you	12:56:37
3	mean?	12:56:41
4	A. I would think that's kind of like the brand	12:56:41
5	name everybody knows as the TV and radio shows and	12:56:44
6	websites, stuff like that.	12:56:50
7	Q. It encompasses both the TV and radio shows	12:56:50
8	and then also the store; correct?	12:56:53
9	A. Yes. There's some other little companies and	12:56:54
10	other things, other ventures. It's the main thing.	12:56:58
11	Q. And the revenue for your business comes in	12:57:00
12	primarily through the store; is that correct?	12:57:03
13	A. It comes through several areas, but you've	12:57:05
14	got the numbers on the poster from our computers. So	12:57:10
15	I don't know what the relevance of that is. We've	12:57:15
16	sold the poster over the phone. And I guess some	12:57:17
17	mail orders probably came in and mainly over the	12:57:22
18	store.	12:57:25
19	Q. Is there a mission statement for Infowars?	12:57:25
20	A. There is. To defend the Renaissance culture,	12:57:31
21	the best parts of Western culture, and just try to	12:57:36
22	promote the American way and to defend against	12:57:39
23	globalism.	12:57:44
24	Q. Does Infowars have a target audience?	12:57:45
25	A. Everyone. We don't do targeting audiences	12:57:47

1	and, you know, focus groups and things.	12:57:55
2	Q. In your current role, what would you describe	12:57:58
3	your responsibilities to be?	12:58:01
4	I'll ask a better question.	12:58:04
5	In your current role at Infowars, what are	12:58:06
6	your responsibilities?	12:58:09
7	A. Just trying to be as accurate as we can and	12:58:09
8	trying to reach as many people as we can with	12:58:15
9	thought-provoking issues to cause debate.	12:58:18
10	Q. Are you the ultimate decision-maker for	12:58:24
11	Infowars?	12:58:27
12	A. You know, I try to hire people who are smart	12:58:27
13	and care. I don't micromanage every decision.	12:58:33
14	Q. But ultimately, you're the person at the top;	12:58:36
15	correct?	12:58:40
16	A. Yes. I'm the person at the top.	12:58:40
17	MR. TOMPROS: That's all we have.	12:58:42
18	MR. RANDAZZA: Thanks a lot, guys.	12:58:47
19	MR. TOMPROS: I don't know if your lawyer has	12:58:49
20	questions.	12:58:51
21	MR. RANDAZZA: You want to do it after lunch?	12:58:51
22	THE WITNESS: They want to go. I can push	12:58:54
23	them.	12:58:56
24	MR. RANDAZZA: All right.	12:58:56
25	THE WITNESS: Let me tell them now.	12:58:57

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1	MR. TOMPROS: Up to you. We're happy to go.	12:58:57
2	THE WITNESS: Let's knock this out. Let me	12:58:59
3	just call them.	12:59:01
4	THE VIDEOGRAPHER: Go off the record for a	12:59:03
5	second?	12:59:05
6	MR. TOMPROS: Yeah. Go off the record for a	12:59:05
7	second.	12:59:07
8	THE VIDEOGRAPHER: We're going off the	12:59:12
9	record. The time is 12:59.	12:59:14
10	(Recess taken: 12:59 p.m 12:59 p.m.)	12:59:17
11	THE VIDEOGRAPHER: We're back on the record.	12:59:30
12	The time is 12:59.	12:59:37
13	EXAMINATION	12:59:37
14	BY MR. RANDAZZA:	12:59:37
15	Q. Take a look at Exhibit 5, that's the poster.	12:59:41
16	A. Yes, sir.	12:59:44
17	Q. Did you have any part in the design of the	12:59:44
18	poster?	12:59:49
19	A. No.	12:59:49
20	Q. Did you have any input into the design of the	12:59:50
21	poster?	12:59:53
22	A. No.	12:59:53
23	Q. Did Infowars?	12:59:53
24	A. No.	12:59:56
25	MR. RANDAZZA: No further questions.	01:00:15

Transcript of Alex Jones, Corporate Designee Conducted on December 19, 2018

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1	MR. TOMPROS: Nothing else here either.	01:00:20
2	Thanks for your time.	01:00:23
3	THE VIDEOGRAPHER: This marks the end of	01:00:25
4	videotaped deposition of Alex Jones. We're going off	01:00:27
5	the record. The time is 13:00 even.	01:00:33
6	(The deposition adjourned at 1:00 p.m.)	
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1 REPORTER'S CERTIFICATE 2 3 I, KIMBERLEE SCHROEDER, TX CSR, RPR, CA CSR 4 No. 11414, duly authorized to administer oaths 5 pursuant to Section 30(c) of the Federal Rules of 6 Civil Procedure, hereby certify that the witness in 7 the foregoing deposition was by me duly sworn to 8 testify the truth, the whole truth and nothing but 9 the truth in the within-entitled cause; that said 10 deposition was taken at the time and place therein 11 stated; that the testimony of the said witness was 12 reported by me and thereafter transcribed by me. 13 I further certify that I am not of counsel or 14 attorney for either or any of the parties to said 15 cause of action, nor in any way interested in the 16 outcome of the cause named in said cause of action. 17 I declare under penalty of perjury under the 18 laws of the State of Texas that the foregoing is true 19 and correct. 20 Dated this 3rd day of January, 2019. 21 22 Kimberlee Schroeder 2.3 24 KIMBERLEE SCHROEDER, CSR, RPR, CCRR 25 CA CSR No. 11414

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A	actually	64:23, 66:13,	alex
abc	18:17, 24:7,	66:20, 67:3,	1:22, 2:13,
38:23	38:15, 90:11,	68:17, 69:12,	4:2, 6:4, 6:22,
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